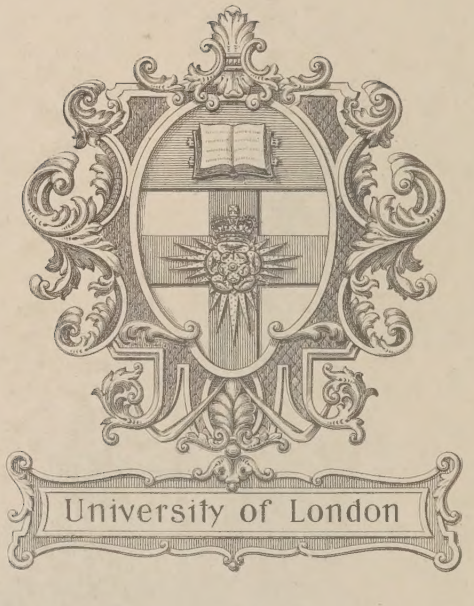
University of London

605362

ACCOUNTS AND PAPERS:

TWENTY-ONE VOLUMES.

—*(5.)*—

EAST INDIA.

Session

30 *April* —— 28 *August* 1857.

VOL. XXIX.

1857—Sess. 2.

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ACCOUNTS AND PAPERS:

1857—Sess. 2.

TWENTY-ONE VOLUMES:—CONTENTS OF THE

FIFTH VOLUME.

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EAST INDIA.

HOME ACCOUNTS

OF THE

EAST INDIA COMPANY.

(Presented pursuant to the Act 3 & 4 Will. IV., c. 85.)

Ordered, by The House of Commons, *to be Printed*, 18 *June* 1857.

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East India House,
30 May 1857.

JAMES C. MELVILL,
Secretary.

HOME ACCOUNTS OF THE EAST INDIA COMPANY.

— No. 1. —

AN ACCOUNT of the RECEIPTS and DISBURSEMENTS of the HOME TREASURY of the *East India Company*, from 1st May 1856 to 30th April 1857.

RECEIPTS:	£. s. d.	£. s. d.	£. s. d.
Bills from India, on account supplies to the public service		2,542 4 6	
Bills drawn on India for cash received into the Home Treasury		2,819,710 4 5	
From Her Majesty's Government:	£. s. d.		
On account Egyptian transit duties paid by the Company	6,090 – –		
In repayment of advances in India on account of the colony of Hong Kong	127,172 18 4		
Ditto ditto on account of the emigration of Coolies	17,437 10 –		
On account expenses of Madras troops employed at Labuan	6,378 – 2		
Ditto of forwarding Her Majesty's 10th Hussars and 12th Lancers from India to the Crimea	53 2 3		
To be paid on account of Her Majesty's Government in Calcutta	25,010 8 4		
		182,141 19 1	
Poplar Fund, and unclaimed prize-money of seamen		10,245 4 3	
Fee Fund		10,963 2 –	
Widows' funds for the home service		28,911 4 8	
Interest realised from investment of cash balances; less interest allowed on balances of funds in the Company's treasury		113,195 13 8	
Indian Railway Companies:			
Instalments of capital under their respective Deeds of Contract with the East India Company:	£. s. d.		
Great Indian Peninsula Railway Company	1,378,275 13 –		
East Indian Railway	1,064,710 16 11		
Madras Railway	657,516 – –		
Scinde Railway	42,735 10 –		
Bombay, Baroda, and Central India Railway	199,420 4 4		
		3,342,658 4 3	
			6,510,367 16 10
Balance in favour, 1st May 1856			3,431,553 19 1
		£.	9,941,921 15 11

DISBURSEMENTS:	£. s. d.	£. s. d.
Bills of Exchange from India:		
For interest of India debt	25,373 5 1	
„ interest of Tanjore claims adjudicated	2,513 13 3	
„ postage received in India on account of Her Majesty's Government, and other remittances	25,784 3 2	
		53,671 1 6
Carried forward £.		53,671 1 6

	£.	s.	d.
Brought forward - - -	53,671	1	6
DISBURSEMENTS—*continued.*			
Principal of five per cent. transfer loan standing on the books in London, paid off under advertisement of the Government of India - - - - - - - - - - - - - - - -	2,515	16	8
Dividends on India loan property transferred to the books in England - - - - - - -	78,272	19	11
Advances to the civil, military, and other provident funds of India, repayable there - - - -	366,743	7	2
Annuities paid in England, chargeable to the Indian civil annuity funds - - - - - - -	258,812	5	8
Family remittances; remittances by the administrators-general; payments chargeable against prize funds; and balance of miscellaneous receipts and disbursements on account of India - - -	106,859	–	10
Fee Fund -	10,963	2	–
Widows' funds for the home service - - - - - - - - - - - - - - - -	27,814	11	8
Poplar Fund, and unclaimed wages and prize-money of seamen - - - - - - - - -	6,712	11	2
Unclaimed prize-money, applicable to Lord Clive's fund; claims paid thereout - - - - - -	5	6	9
Services chargeable to Her Majesty's Government (including 11,748 *l.* 18 *s.* 6 *d.* paid Peninsular and Oriental Steam Navigation Company on account of conveying Her Majesty's 10th Hussars and 12th Lancers from India to Suez) - - - - - - - - - - - - - - -	19,623	15	3
Indian Railway Companies; Engineering Expenses and Establishment Charges, &c. in England:			
Great Indian Peninsula Railway Company - - - - - - -	£. 531,296	s. 6	d. 10	
East Indian Railway Company - - - - - - - - -	896,252	14	7	
Madras Railway Company - - - - - - - - - -	147,686	11	7	
Scinde Railway Company - - - - - - - - - -	77,920	5	5	
Bombay, Baroda, and Central India Railway Company - - - - -	99,657	5	10	
				1,752,813	4	3
Interest on Capital of the Indian Railway Companies, under their respective Deeds of Contract, including Interest on Debenture Bonds:						
To the Great Indian Peninsula Railway Company - - - - - -	£. 102,181	s. 8	d. 10			
„ East Indian Railway Company - - - - - - - -	285,070	18	11			
„ Madras Railway Company - - - - - - - - -	81,139	8	3			
„ Scinde Railway Company - - - - - - - - -	13,235	8	10			
„ Bombay, Baroda, and Central India Railway Company - - - -	14,412	3	9			
				496,039	8	7
CHARGES ON THE REVENUES OF INDIA:						
Dividends to Proprietors of East India Stock - - - - - - - -	627,892	17	4			
Interest on the home bond debt - - - - - - - - - -	155,494	12	10			
Military and other public stores, exported and to be exported - - - - -	941,752	14	7			
On account building and equipment of a steam vessel for the Madras Government, and cost of coals for use of steam vessels in India, &c. - - - - - -	61,888	13	5			
Her Majesty's Government; payments under the new postal arrangement with the Lords of Her Majesty's Treasury - - - - - - - - - - -	49,887	2	7			
Transport of troops and stores - - - - - - - - - - - -	51,837	10	11			
Carried forward - - - £.	1,888,753	11	8	3,180,846	11	5

	£.	s.	d.	£.	s.	d.
Brought forward - - -	1,888,753	11	8	3,180,846	11	5
DISBURSEMENTS—*continued.*						
CHARGES ON THE REVENUES OF INDIA—*continued.*						
Furlough and retired pay to military and marine officers of the Indian establishments, including off-reckonings - - - - - - - - - - - -	819,872	15	6			
Retired pay and pensions of persons of the late St. Helena establishment, not chargeable to Her Majesty's Government - - - - - - - - -	4,642	2	–			
Her Majesty's paymaster-general, for claims accrued against the Company in respect of Queen's troops serving in India - - - - - - - - - -	250,000	–	–			
Ditto - ditto - in repayment of expenses incurred on account of convicts transported from India to Van Diemen's Land - - - - - - - -	2,824	4	–			
Payments under Act 4 Geo. 4, c. 71, on account of retiring pay, pensions, &c. of Her Majesty's troops serving or having served in India (3 quarters) - - -	45,000	–	–			
Civil establishments of India; absentee allowances and passage-money - -	61,237	3	6			
Ditto - - ditto - - annuities of the Madras civil annuity fund of 1818 -	8,886	7	–			
Her Majesty's Mission to the Court of Persia (portion of the charge payable by the Company) - - - - - - - - - - - - - - - -	12,000	–	–			
Value of arms taken to India by Her Majesty's regiments - - - - - -	2,725	–	–			
Meer Jaffur Ali Khan; the proportion paid in England of the sum of 20,000 *l.* which the Court have consented to pay "in free gift," in consideration of the expenses incurred by his residence in England, and with a view to assist in making a further provision for his daughters - - - - - - - - - -	5,000	–	–			
CHARGES, GENERAL, comprising,—						
Board of Commissioners for the Affairs of India, salaries of the President and Officers and contingent expenses of the Board, and superannuation allowances granted by warrant of the Crown under Act 53 Geo. 3, c. 155, s. 91 - - - - -	£. s. d. 28,977 – –					
Indian Law Commission, Act 16 & 17 Vict., c. 95, s. 28 - -	618 – 6					
Salaries of the Court of Directors - - - - - - -	9,969 3 7					
Contingent expenses of the Courts of Directors and Proprietors, consisting of:—						
Repairs to the East India House, taxes, rates and tithes, coals, candles, printing, stationery, stamps, bookbinding, postage, and various petty charges - -	£. s. d. 22,364 9 5					
Entertainments and refreshments - -	2,952 1 2					
Subscriptions to charities and on public occasions - - - - - - -	2,502 7 –					
	27,818 17 7					
Salaries and allowances of the secretaries, and officers of the Court of Directors, deducting 5,076 *l.* 0 *s.* 2 *d.*, applied from the fee fund, in part payment thereof - - - - - -	95,554 15 5					
Annuitants and pensioners, including compensation annuities, under Act 3 & 4 Will. 4, c. 85 - - - - - - -	186,404 1 9					
Carried forward - - - £.	349,341 18 10			3,100,941	3	8
				3,180,846	11	5

	£. s. d.	£. s. d.	£. s. d.
Brought forward - - -	349,341 18 10	3,100,941 3 8	3,180,846 11 5
DISBURSEMENTS—*continued.*			
CHARGES, GENERAL—*continued.*			
Haileybury College, net charge - - - - - - -	14,569 11 4		
Military College at Addiscombe, net charge - - - -	7,103 11 11		
Recruiting charges,—			
Pay of officers and non-commissioned officers of the depôt at Warley and in the recruiting districts; pay of recruits previous to embarkation, bounty, clothing, arms, accoutrements, &c., including expenses of engineer cadets and recruits studying the art of sapping and mining at Chatham - £. 55,685 6 11			
Repairs, alterations and additions to barracks at Warley - - - - - - - £. 9,734 13 5			
	65,420 - 4		
Passage and outfit of Puisne Justice of the Supreme Court at Madras, Officers on the Staff, Aides-de-Camp, Chaplains, Company's officers in charge of recruits, officers in Her Majesty's service proceeding to join their regiments, civil engineers and overseers for public works, persons connected with the electric telegraphs in India, &c. &c. - - - - -	27,979 17 2		
Charges of the store department, articles for use in inspection of stores, labour, &c. - - - - - - - - - -	9,361 4 6		
Lord Clive's fund, net payments for pensions, &c. - - -	81,534 15 10		
Expenses connected with the appropriation and fitting-up additional apartments at the East India House for the reception of a portion of the articles from the Indian collection of the Paris Exhibition - - - - - - - - - -	2,000 - -		
Law charges - - - - - - - - - - -	19,516 15 11		
Cultivation and manufacture of cotton, &c. in India (expenses incurred in view to the improvement of) - - - - -	246 13 5		
Maintenance of lunatics from India - - - - - -	6,579 6 2		
Burmah donation Batta - - - - - - - -	6,638 8 8		
Her Majesty's Postmaster-General, on account postage of the Company's despatches to and from India - - - - -	4,139 1 8		
Miscellaneous; comprising cost of war medals for troops, cost of maps and charts for India, donations to Bengal civil fund, and to widows' funds for the home service, donations for services and relief, &c. - - - - - - - - - -	29,234 17 9		
£.	623,666 3 6		
Deduct:			
On account of sale, proceeds of articles from the Indian collection of the Paris Exhibition - - - - - -	5,476 8 10		
		618,189 14 8	
			3,719,130 18 4
		£.	6,899,977 9 9
Balance in favour, 30th April 1857:			
Capital of Exchequer Bills and Exchequer Bonds -		1,800,000 - -	
Current cash - - - - - - - - - -		1,241,944 6 2	
			3,041,944 6 2
		£.	9,941,921 15 11

— No. 2. —

ESTIMATE of the RECEIPTS and DISBURSEMENTS of the HOME TREASURY of the *East India Company*, from 1st May 1857 to 30th April 1858.

RECEIPTS:

	£.	£.
Remittances from India, through Her Majesty's Government, on account of ordinary supplies to Her Majesty's service		120,000
Bills of Exchange; may be drawn on India		4,093,000
From Her Majesty's Government:		
On account of the charges of the late China Expedition	590,693	
On account of the moiety of the charges of the Expedition to Persia	250,000	
On account of miscellaneous payments in India from 1848–49 to 1851–52	162,750	
		1,003,443
Indian Railway Companies; may be received under their respective contract deeds		3,300,000
Interest to be realised from investment of cash balances; less interest to be allowed on balances of funds in the Company's treasury		91,000
		8,607,443
Balance of Cash, 1st May 1857		3,041,944
	£.	11,649,387

DISBURSEMENTS:

	£.	£.
Bills of Exchange from India		50,000
Dividends on India loan property transferred to the books in England		80,000
Advances to be made in England to the civil, military, and other provident funds of India, repayable there		367,000
India annuity funds; civil service annuities payable in England		257,000
Family remittances; remittances by the administrators-general; payments chargeable against prize funds; and balance of miscellaneous receipts and disbursements on account of India		121,000
Indian Railway Companies; may be drawn for the purchase of rails, machinery, &c., including charges of establishment, and interest on capital		3,309,595
CHARGES ON THE REVENUES OF INDIA:	£.	
Dividends to proprietors of East India Stock	630,000	
Interest on the home bond debt	155,776	
Military and other public stores, exported and to be exported	1,170,306	
Coals for the use of steam vessels in India	30,000	
Amount to be paid to Her Majesty's Government under the new postal arrangements with the Lords of Her Majesty's Treasury	42,711	
Transport of troops and stores	59,000	
Furlough and retired pay to military and marine officers of the Indian establishments, including off-reckonings	766,000	
Retired pay and pensions of persons of the late Saint Helena Establishment, not chargeable to the Crown	4,480	
Her Majesty's Paymaster-General, for claims accrued against the Company in respect of Queen's troops serving in India	850,000	
Payments under Act 4 Geo. 4, c. 71, on account of retiring pay, pensions, &c. of Her Majesty's troops serving or having served in India	60,000	
Civil Establishments of India; absentee allowances	62,400	
Ditto annuities of the Madras Civil Annuity Fund of 1818	9,000	
Her Majesty's Mission to the Court of Persia (portion of the charge payable by the Company)	12,000	
Her Majesty's Establishments in China (ditto for the years 1852/53 and 1853/54	20,000	
Charges, General; being for home establishments and expenses, civil, military, and maritime pensions, recruiting charges, allowances for outfit, &c.	585,000	
		4,456,673
	£.	8,641,268
EXTRAORDINARY:		
Warrants passed the Court, unpaid, and other arrears, on the 1st May 1857 (should the whole be demanded), not included in the current year's expenditure above estimated		289,062
	£.	8,930,330
Balance in favour, 30th April 1858		2,719,057
	£.	11,649,387

— No. 3. —

AN ACCOUNT of the DEBTS and CREDITS in *England* of the Government of *India*, on the 1st May 1857.

	£.	£.
DEBTS:		
Bills of Exchange unpaid from India	49,089	
Dividends on Indian Loan Property transferred to the books in England, unpaid	13,890	
Principal of Five per Cent. Transfer Loan Stock, payable 25th April 1855, undemanded	1,070	
Warrants passed the Court unpaid	432,115	
Amount owing for export stores	203,125	
Unclaimed prize-money, applicable to Lord Clive's Fund (Act 1 & 2 Geo. 4, c. 61, and 9 Geo. 4, c. 50), bearing interest at five per cent. per annum	48,386	
Poplar Fund, including unclaimed wages of seamen, bearing interest at four per cent. per annum £. 232,213		
Unclaimed prize-money, applicable to Poplar Fund (Act 1 & 2 Geo. 4, c. 61, and 9 Geo. 4, c. 50), bearing interest at four per cent. per annum 27,450		
	259,663	
Her Majesty's Government; due per estimate on account charges of Queen's troops serving in India, and other claims	754,771	
Dividends on the capital stock unclaimed	35,451	
Interest on bonds unclaimed, including growing interest	25,263	
East Indian Railway Company; capital remaining in the Company's treasury in England, including receipts on account of Debenture Bonds issued under the guarantee of the East India Company, and after deducting sums drawn in India in excess of capital paid into the Indian treasuries, up to the 28th February 1857	907,799	
Great Indian Peninsula Railway Company; capital remaining in the Company's treasury in England, including receipts on account of Debenture Bonds issued under the guarantee of the East India Company, and after deducting sums drawn in India in excess of capital paid into the Indian treasuries, up to the 31st December 1856	1,745,029	
Madras Railway Company; capital remaining in the Company's treasury in England, deducting sums drawn in India in excess of capital paid into the Indian treasuries, up to the 31st December 1856	525,913	
Scinde Railway Company; capital remaining in the Company's treasury in England, deducting sums drawn in India in excess of capital paid into the Indian treasuries, up to the 31st March 1857	168,148	
Bombay, Baroda, and Central India Railway Company; capital remaining in the Company's treasury in England, deducting sums drawn in India in excess of capital paid into the Indian treasuries, up to the 31st March 1857	283,562	
Home bond debt, charged upon the revenues of India by 9th sec. 3 & 4 Will. 4, c. 85:		
Principal, bearing interest at £. 4 per cent. per annum £. 3,894,400		
Principal, not bearing interest 20,917		
	3,915,317	
		9,368,591
On outstanding accounts of the late commercial branch		8,810
	£.	9,377,401
CREDITS:		
The cash balance on the 1st May 1857; viz.—		
Exchequer Bills and Exchequer Bonds £ 1,800,000		
Current Cash 1,241,944		
	3,041,944	
Stock in the public funds standing in the Company's name, valued at the market prices on the 30th April 1857	927,710	
Military and other public stores remaining in England unshipped, 1st May 1857, including advances on account steam vessels and machinery	213,668	
Owing from sundry persons for advances, repayable in England	4,702	
Her Majesty's Government; on account of the Expedition to China, &c.	753,443	
Computed value of buildings and land; viz.—		
The East India House £. 272,000		
The East India College at Haileybury, and Military College at Addiscombe 191,000		
Warley Barracks, near Brentwood, Essex 60,000		
The Warehouses and Premises in Leadenhall-street and in New-street, Bishopsgate (store department) 24,000		
	547,000	
	£.	5,488,467
Brought down, Amount of Debts	£. 9,377,401	
Ditto - - ditto - - Credits	5,488,467	
Debts in Excess	£. 3,888,934	

The above, on the one hand, is exclusive of the amount owing to Proprietors for their Capital Stock; and on the other hand, of the Guarantee or Security Fund, formed under the provisions of the Act 3 & 4 Will. 4, c. 85.

— No. 4. —

A LIST of the several ESTABLISHMENTS of the *East India Company* in *England*, and the SALARIES and ALLOWANCES payable by the Court of Directors in respect thereof, on the 1st May 1857.

	Number.	Salaries and Allowances. £. s. d.
Secretary's Office: consisting of a secretary, deputy secretary, six assistants in the respective branches of minuting and correspondence, accounts, pay, audit, marine, and administration, will, and bond; forty-two clerks, a conductor of the correspondence relating to the vegetable and other products of India; one superintendent of extra clerks and writers, seven extra clerks, twenty-seven writers, and fifteen messengers - - - - - - -	101	47,535 – –
Examiner's Office: consisting of an examiner of India correspondence, two assistant examiners; three assistants to the examiner; two clerks in the Correspondence Department, four senior clerks, twelve clerks, one superintendent of writers, one clerk in charge of secret papers, a registrar and assistant registrar of India books and records, fifteen writers, and ten messengers - - -	53	24,409 – –
Office of the Secretary in the Military Department: consisting of a secretary, an assistant, seven clerks, cadet clerk, and superintendent of extra clerks and writers, three extra clerks, nine writers, and five messengers - - - - - - - - -	27	12,533 – –
Statistical Office: consisting of a chief, an assistant, one clerk, two writers, and one messenger - - - - - - - - -	6	3,297 – –
Library and Museum: the Librarian (who is also Oriental examiner at the East India College and the Military College), the keeper of the museum, one extra writer, and two messengers - -	5	1,318 – –
Clerk of the works, a carpenter, and one messenger - - -	3	605 – –
Inspector-general of Stores Department: consisting of an inspector-general of stores, three clerks, two sub-inspectors, two examiners of cloth, ten examiners and assistant examiners of stores, one bookkeeper, six writers, one messenger, and fifty-eight labourers -	84	11,887 – –
Standing counsel - - - - - - - - - - -	1	500 – –
Solicitor - - - - - - - - - - - - -	1	500 – –
Examining physician - - - - - - - - - - -	1	520 – –
Geographer - - - - - - - - - - - -	1	200 – –
Examiner of veterinary instruments - - - - - - -	1	100 – –
Chaplain to Poplar Hospital - - - - - - - -	1	100 – –
Door-keepers and Court-room messengers - - - - - -	5	1,294 – –
Door-porters and firemen, messengers and fire-lighters - - -	24	2,100 – –
Waterman - - - - - - - - - - - -	1	70 – –
Housekeeper and assistant - - - - - - - - - -	2	190 – –
Charwomen - - - - - - - - - - - - -	8	300 – –
East India College: the principal, seven professors, and forty-two public servants - - - - - - - - - - - -	50	6,516 – –
Military College: the public examiner and inspector, lieutenant-governor, twenty-two professors, masters, staff and other officers, and thirty-six non-commissioned staff and public servants - - -	60	9,682 – –
Military Depôt at Warley: comprising seven officers, and thirty-three non-commissioned staff - - - - - - - - -	40	4,496 – –
Recruiting Districts: seven officers, and forty-three non-commissioned staff - - - - - - - - - - - - -	50	5,470 – –
TOTAL - - -	525	133,622 – –

— No. 5. —

AN ACCOUNT of New or Increased Salaries, Establishments or Pensions, payable in *Great Britain*, Granted or Created between the 1st May 1856 and the 1st May 1857.

	Amount per Annum. £. s. d.
ESTABLISHMENTS:	
Secretary's Office: one additional writer	80 – –
Examiner's Office: two additional established clerks	160 – –
two additional office porters	180 – –
Inspector General of Stores Department: two additional writers	160 – –
£.	580 – –
SALARIES:	
Increase of salary to Mr. George Friend, the first clerk in the Accounts Branch of the Secretary's Office	100 – –
Increase of salary to Mr. William Eade, the assistant to the secretary in the military department	290 – –
Increase of salary to Mr. John Hollyer, the clerk for passing cadets and assistant surgeons	100 – –
Increase of salary to Mr. William Peters, a clerk in the examiner's department	90 4 –
Increase of salary to Mr. William Fidler, a writer in ditto	50 – –
Increase of salary to Mr. Lewis Humbert, the first clerk in the department of the inspector-general of stores	150 – –
Increase of salary to Mr. Alexander Rothney, the senior sub-inspector in the same department	150 – –
Increase of salary to Mr. Arthur Dusantoy, junior master in the mathematical and classical department of the Military College at Addiscombe	50 – –
£.	890 4 –
PENSIONS:	
The Most Honourable the Marquis of Dalhousie, K.T., as a special mark of the sense entertained by the East India Company of the eminent services rendered by his Lordship as Governor-general of India, granted from the date of his resignation of that office, an annuity of	5,000 – –
Colonel H. A. Lake, late captain in the Madras Engineers, as a recognition of the distinguished services rendered to his country during the memorable Siege of Kars, in addition to his retired pay under the regulations	100 – –
Mrs. Thompson, the widowed mother of the late Major H. L. Thompson, formerly a lieutenant on the Bengal Establishment, in recognition of his services during the memorable Siege of Kars, and his loss of health in consequence of a serious wound received in Burmah, which probably accelerated the termination of his brilliant career	100 – –
Mrs. Mayne, in consideration of the distinguished services of her late husband, Colonel William Mayne, of the Bengal Establishment	100 – –
Mrs. R. W. Hodges, re-admitted to the annuity formerly granted to her as the widow of the late Major-general Sir William Nott, G.C.B., of the Bengal Establishment	200 – –
Carried forward £.	5,500 – –

AN ACCOUNT of New or Increased SALARIES, &c.—*continued.*

	AMOUNT PER ANNUM. £. s. d.
Brought forward - - -	5,500 – –
PENSIONS—*continued.*	
Mr. James Clement Paterson, late a lieutenant on the Bengal Establishment, in consideration of his former good character - - - - - - - -	70 – –
Mr. Henry Wakeman, formerly a captain on the Madras Establishment, the allowance of 100 *l.* per annum, granted to him in 1852, increased to 200 *l.*, the former amount being inadequate to furnish him with the requisite means of maintenance in his unfortunate state of health - - - - - - -	100 – –
Mrs. Elizabeth Sarah Warren, mother of the late Lieut. W. B. Warren, of the Bombay Establishment, who died of wounds received during the attack on Bushire - - - - - - - - - - - - - - -	40 – –
The under-mentioned persons, the widows of officers in the Indian Navy, granted pensions equal to those allowed from Lord Clive's Fund, to the widows of officers in the Company's Army holding corresponding rank with that of their late husbands; viz.:	
Mrs. Caroline Montriou, widow of a captain, 5 *s.* a day, or - - -	91 5 –
„ Elizabeth Lowe - - - ditto - - 5 *s.* a day, or - - -	91 5 –
„ Eliza Juliana Fell, widow of a commander, 3 *s.* 9 *d.* a day, or -	68 8 9
„ Harriet C. C. Campbell, widow of a lieutenant, 2 *s.* 6 *d.* a day, or -	45 12 6
Messrs. John Milward and Richard Davis, assistant examiners in the small arms branch of the storekeeper's department, granted on their services being dispensed with, pensions of 73 *l.* 6 *s.* 8 *d.* per annum each - - - -	146 13 4
Mrs. Maria Annie Balston, widow of a mate in the Pilot Service, the pensions granted by the Bengal Government to herself and son, to be in future paid in this country - - - - - - - - - - - - - -	71 6 –
Miss Jessy Maria Rawlins, the pension of 14 rupees per month, granted to her by the Bengal Government, as the daughter of a late master in the Pilot Service, made payable to her in this country - - - - - - - - -	16 2 –
Mrs. Maria Browne, the widow of Mr. Samuel Browne, formerly of the cloth warehouse, in consideration of the services of her late husband, and her destitute situation at an advanced period of life - - - - - - - -	25 – –
Senior Serjeant Richard Clutterbuck, employed for 43 years on the Recruiting Staff in Dublin, from date of discharge - - - - - - - -	36 10 –
Serjeant John Carr, of the Recruiting Staff in Dublin, who is unfit for service on account of paralysis - - - - - - - - - - - - -	13 13 9
Robert Huntley, formerly a seaman of the Indian Navy, invalided in 1850, having lost his right arm and the sight of both his eyes by the accidental discharge of a gun which he was serving; the pension he now receives of 1 *s.* 3 *d.* increased to 2 *s.* a day - - - - - - - - - - - - -	13 13 9
The under-mentioned discharged soldiers, who have held the rank of serjeant during the period prescribed by the Regulations, granted pensions of 1 *s.* a day, in addition to the regulated pension from the Military Fund; viz.:	

BENGAL.	MADRAS.
James Byrne.	James Lloyd.
John Still.	William Atwell.
Henry Algar.	

Five persons, at 18 *l.* 5 *s.* per annum each - - - -	91 5 –
Sundry small pensions to the widows and children of deceased Elders, extra Clerks, and others of the Home Service, amounting to - - - - -	46 17 4
£.	6,467 12 5

— No. 6. —

ALLOWANCES, COMPENSATIONS, REMUNERATIONS, and SUPERANNUATIONS, granted to OFFICERS and SERVANTS of the *East India Company*, under the 93d Section of the Act 53 Geo. 3, c. 155, between the 1st May 1856 and the 1st May 1857.

NAME.	STATION.	Period of Service.	Age.	Amount of Salary and allowed Emoluments.	Proportion of Income which the Court are empowered to grant.	Amount of Superannuation Allowance granted.
		Yrs. Mo.	*Years.*	£.		£. s. d.
Mr. George Browne	Assistant in the Audit Branch of the Secretary's Office - -	50 –	68	1,110	The whole	1,110 – –
Mr. William Moffatt Birnie.	Writer in the Secretary's Office - - -	10 7	40	144	One-half	70 – –
Mr. Thomas Ryle -	Writer in the Secretary's Office - - -	16 6	35	240	One-half	120 – –
Mr. William Henry Briant.	Writer in the Secretary's Office - - -	15 8	33	240	One-half	120 – –
Angus Fraser -	First Court Room Doorkeeper - - -	28 –	64	260	Two-thirds	173 6 8
Andrew Fenwick -	Door Porter - -	33 –	60	110	Two-thirds	73 6 8

COMPENSATIONS granted between the 1st May 1856 and the 1st May 1857, under the Act 3 & 4 Will. 4, c. 85, s. 7.

— No. 7. —

To the WIDOWS and CHILDREN of deceased OFFICERS and SERVANTS of the *East India Company* in *England*.

To the WIDOWS' FUNDS for the Home Establishment, to make up the deficiency in the Income of those Funds for the year ending the 30th April 1856 - - £. 11,412 – 3

East India House, 30 May 1857.

(Errors excepted.)

JAMES C. MELVILL, Secretary.

EAST INDIA.

HOME ACCOUNTS

OF THE

EAST INDIA COMPANY.

(Presented pursuant to the Act 3 & 4 Will. IV. c. 85.)

Ordered, by The House of Commons, *to be Printed,*
18 *June* 1857.

110—Sess. 2.

Under 2 oz.

EAST INDIA
(TERRITORIAL REVENUES AND DISBURSEMENTS).

ACCOUNTS

RESPECTING THE

TERRITORIAL REVENUES AND DISBURSEMENTS

OF

THE EAST INDIA COMPANY,

FOR THE

Year 1855/56;

WITH AN ESTIMATE OF THE SAME FOR THE SUCCEEDING YEAR,

AND

APPENDICES,

Containing Comparative Statements for the Years 1853/54, 1854/55, 1855/56, and Estimate 1856/57.

(Presented to Parliament pursuant to the Act 3 & 4 Will. IV., c. 85.)

Ordered, by The House of Commons, *to be Printed*,
25 *June* 1857.

L I S T.

1855–56.

No. 1.—An Account of the Gross Revenues of India, for the Year 1855–56, with the Charges of Collection, and other Payments out of those Revenues; the Net Receipts into the several Government Treasuries, and the Rates per Cent. for which the Gross Receipts were collected, converted into Sterling Money at the established rate of One shilling and ten-pence halfpenny the Company's Rupee - - - - - - - - p. 6

No. 2.—An Account of the Gross Revenues of the Presidency of Bengal, for the Year 1855–56, with the Charges of Collection and other Payments out of those Revenues; the Net Receipts into the several Government Treasuries, and the Rates per Cent. for which the Gross Receipts were collected - - - - - - - - - - - p. 8

No. 3.—An Account of the Gross Revenues of the Eastern Settlements, for the Year 1855–56, with the Charges of Collection and other Payments out of those Revenues; the Net Receipts into the several Government Treasuries, and the Rates per Cent. for which the Gross Receipts were collected - - - - - - - - - - - p. 10

No. 4.—An Account of the Gross Revenues of the District of Coorg, for the Year 1855–56, with the Charges of Collection and other Payments out of those Revenues; the Net Receipts into the Commissioner's Treasury, and the Rate per Cent. for which the Gross Receipt was collected - - - - - - - - - - - p. 10

No. 5.—An Account of the Gross Revenues from the Territory ceded by the Burmese, including the annexed Provinces of Pegu and Martaban, for the Year 1855–56, with the Charges of Collection and other Payments out of those Revenues; the Net Receipts into the Government Treasuries, and the Rates per Cent. for which the Gross Receipts were collected - - - - - - - - - - - - - - p. 11

No. 5 A.—An Account of the Gross Revenues of the Nagpore Territory, for the Year 1855–56, with the Charges of Collection and other Payments out of those Revenues; the Net Receipts into the several Government Treasuries, and the Rate per Cent. for which the Gross Receipts were collected - - - - - - - - - - p. 12

No. 5 B.—An Account of the Gross Revenues of the Oude Territory for the Year 1855-56, with the Charges of Collection and other Payments out of those Revenues; the Net Receipts into the several Government Treasuries, and the Rate per Cent. for which the Gross Receipts were collected - - - - - - - - - - p. 12

No. 6.—An Account of the Gross Revenues of the North Western Provinces, including the Annexed Territories, for the Year 1855-56, with the Charges of Collection and other Payments out of those Revenues; the Net Receipts into the several Government Treasuries, and the Rates per Cent. for which the Gross Receipts were collected - - - - - - - - - - - - - - - p. 13

No. 7.—An Account of the Gross Revenues of the Punjaub and Trans-Indus Territory, for the Year 1855-56, with the Charges of Collection and other Payments out of those Revenues; the Net Receipts into the several Government Treasuries, and the Rates per Cent. for which the Gross Receipts ware collected - - - - - p. 14

No. 8.—An Account of the Gross Revenues of the Presidency of Madras, for the Year 1855–56, with the Charges of Collection and other Payments out of those Revenues; the Net Receipts into the several Government Treasuries, and the Rates per Cent. for which the Gross Receipts were collected - - - - - - - - - - p. 15

No. 9.—An Account of the Gross Revenues of the Presidency of Bombay, for the Year 1855–56, with the Charges of Collection and other Payments out of those Revenues; the Net Receipts into the several Government Treasuries, and the Rates per Cent. for which the Gross Receipts were collected - - - - - - - - - - p. 16

No. 10.—An Account of the Gross Revenues of the Province of Sind, for the Year 1855–56, with the Charges of Collection and other Payments out of those Revenues; the Net Receipts into the several Government Treasuries, and the Rates per Cent. for which the Gross Receipts were collected - - - - - - - - - - p. 17

No. 11.—An Account of the Gross Revenues of the Province of Sattara, for the Year 1855–56, with the Charges of Collection and other Payments out of those Revenues; the Net Receipts into the Local Government Treasury, and the Rates per Cent. for which the Gross Receipts were collected - - - - - - - - - - - - p. 17

No. 12.—An Account of the Total Income of the Revenue of India, in the Year ended the 30th April 1856, together with an Account of the Public Expenditure, including Repayments, Allowances and Drawbacks; and Allowances and Assignments and other Payments, made out of the Revenues, in accordance with Treaties or other Engagements, but exclusive of the Sums applied to the Reduction of Debt - - - p. 18

No. 13.—An Account of the Net Public Income of India, in the Year ended the 30th April 1856, (after abating the Expenditure defrayed thereout by the several Revenue Departments, and the Allowances, Assignments and other Payments out of those Revenues, made in accordance with Treaties or other Engagements), and of the actual Issues or Payments within the same Period, exclusive of the Sums applied to the Reduction of Debt - - - - - - - - - - - - - - - - - p. 19

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No. 21.—General Abstract Account of the Charges of the Civil and Political Establishments of India, including Contingent Charges, for the Year ended the 30th April 1856, p. 34

No. 22.—General Abstract Account of the Judicial and Police Charges of India, including Contingent Charges, for the Year ended the 30th April 1856 - - - - - p. 39

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No. 27.—General Abstract Account of the Mint Charges of India, for the Year ended the 30th April 1856 - - - - - - - - - - - - - - - p. 47

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Estimate 1856–57.

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No. 36.—Estimate of the Total Expenditure of India, including the Charges defrayed in England, for the Year ending 30th April 1857 - - - - - - - - - p. 55

No. 37.—An Account of the Balances of Public Money in the several Treasuries of India, on the 30th April 1856; the Amount of Debt estimated to be incurred and discharged during the Year 1856–57; the Amount of Advances and Repayments on various Accounts; the Supplies to and from London, and between the several Presidencies; and the Estimated Balances in the Indian Treasuries on the 30th April 1857 - p. 56

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No. 38.—General Abstract View of the Total Revenues and Charges of India, including the Charges defrayed in England, for the Years 1853–54, 1854–55, 1855–56, and as Estimated for 1856–57 - - - - - - - - - - - - - p. 58

No. 39.—General Abstract Account of the Cash Transactions of India, for the Years 1853–54, 1854–55, 1855–56, and as Estimated for 1856–57 - - - - - - p. 60

No. 40.—A Statement of the Charges defrayed in England on Account of the Indian Territory, in the Years comprised in the preceding Accounts - - - - - - p. 60

No. 41.—General Abstract View of the Total Revenues and Charges of the Bengal Presidency, for Three Years, according to the latest Advices, with an Estimate of the same for the succeeding Year - - - - - - - - - - - - - - p. 61

No. 42.—General Abstract View of the Total Revenues and Charges of the Territory ceded by the Burmese, for Three Years, according to the latest Advices, with an Estimate of the same for the succeeding Year - - - - - - - - - - p. 62

No. 43.—General Abstract View of the Total Revenues and Charges of the annexed Provinces of Pegu and Martaban, for Three Years, according to the latest Advices, with an Estimate of the same for the succeeding Year - - - - - - - - - p. 62

No. 44.—General Abstract View of the Total Revenues and Charges of the Nagpore Territory, for the Years 1854–55 and 1855–56, according to the latest Advices, with an Estimate of the same for the succeeding Year - - - - - - - - - - p. 63

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No. 45.—General Abstract View of the Total Revenues and Charges of the North Western Provinces, for Three Years, according to the latest Advices, with an Estimate of the same for the succeeding Year - - - - - - - - - - - - - p. 64

No. 46.—General Abstract View of the Total Revenues and Charges of the Punjaub and Trans-Indus Territory, for Three Years, according to the latest Advices, with an Estimate of the same for the succeeding Year - - - - - - - - - - p. 65

No. 47.—General Abstract View of the Total Revenues and Charges of the Madras Presidency, for Three Years, according to the latest Advices, with an Estimate of the same for the succeeding Year - - - - - - - - - - - - - p. 66

No. 48.—General Abstract View of the Total Revenues and Charges of the Bombay Presidency, for Three Years, according to the latest Advices, with an Estimate of the same for the succeeding Year - - - - - - - - - - - - - p. 67

No. 49.—General Abstract View of the Total Revenues and Charges of the Province of Sind, for Three Years, according to the latest Advices, with an Estimate of the same for the succeeding Year - - - - - - - - - - - - - p. 68

No. 50.—General Abstract View of the Total Revenues and Charges of the Province of Sattara, for Three Years, according to the latest Advices, with an Estimate of the same for the succeeding Year - - - - - - - - - - - - - p. 69

East India House,
4 June 1857.

JAMES C. MELVILL,
Secretary.

ACCOUNTS

RESPECTING THE

TERRITORIAL REVENUES AND DISBURSEMENTS

OF

THE EAST INDIA COMPANY.

[N. B.—The Words and Figures printed in *Italics* were written with ***Red Ink*** in the Manuscript.]

No. 1.—AN ACCOUNT of the Gross Revenues of INDIA for the Year 1855-56, with the into the several Government Treasuries, and the Rates per Cent. for which the Gross One Shilling and Ten-pence

HEADS OF REVENUE.		1. GROSS RECEIPTS.	2. Repayments. Allowances, Refunds, and Drawbacks.	3. NET RECEIPT within the Year, after deducting Repayments.
ORDINARY REVENUES:		£.	£.	£.
Land Revenue, including Tributes and Subsidies from Native States, Excise Duties in Calcutta, Sayer and Abkarry Revenues, and Moturpha and Small Farms and Licenses at Madras:				
Land Revenue		15,935,016	21,074	15,913,942
Tributes and Subsidies (Account, No. 15)		498,904	- - -	498,904
Excise Duties in Calcutta		42,326	- - -	42,326
Sayer Revenue		343,784	28	343,756
Abkarry ditto		797,225	234	796,991
Moturpha (Madras)		101,889	1,675	100,214
Small Farms and Licenses (Madras)		22,350	53	22,297
Miscellaneous Receipts in the Revenue Department		98,922	53	98,869
	£.	17,840,416	23,117	17,817,299
Customs		1,974,999	40,093	1,934,906
	£.			
Salt: Sale of Salt	1,522,348			
Duties levied	1,565,655			
Produce of Salt Mines in the Punjaub	190,876			
Total Receipts from Salt £.	3,278,879			
Deduct,—included in the Indian Statements, under the head of "Customs" Duties on Salt imported into Calcutta (Account, No. 2)	793,143			
		2,485,736	347	2,485,389
Opium		4,871,227	- - -	4,871,227
Post-Office Collections		219,795	750	219,045
Stamp Duties		518,203	13,874	504,329
Mint Receipts		184,903	- - -	184,903
Marine and Pilotage Receipts		164,013	- - -	164,013
Judicial Receipts (Fees, Fines, &c.)		178,508	1,021	177,487
Revenues of Prince of Wales' Island, Singapore and Malacca (Account, No. 3)		97,904	- - -	97,904
Revenues and Receipts from the District of Coorg (Account, No. 4)		20,477	- - -	20,477
Sale of Presents		8,858	- - -	8,858
Interest on Debt due by the Nizam, by the Mysore State, and on other accounts		85,705	- - -	85,705
Electric Telegraph: Collections on account Telegraph Messages, &c.		15,719	- - -	15,719
Toll and Ferry Collections		69,109	- - -	69,109
Miscellaneous Receipts in the Civil and Political Departments		85,620	- - -	85,620
Total of Ordinary Revenues £.		28,821,192	79,202	28,741,990
OTHER RESOURCES:				
On Account, Proceeds of Unclaimed Estates, transferred to the Credit of Government, under Acts of the Government of India, No. 5, of 1851, and No. 8 of 1855		12,971	- - -	12,971
	£.	28,834,163	79,202	28,754,961
Gain by Exchange with reference to the fixed Rate of One Shilling and Ten-pence Halfpenny the Company's Rupee on Remittance Transactions between India and London		57,136	- - -	57,136
Total Revenue Receipts of all the Presidencies of India £.		28,891,299	79,202	28,812,097

Note.—The "Charges of Collection" necessarily include Salaries and Expenses of Offices charged

CHARGES of COLLECTION and other PAYMENTS out of those REVENUES; the NET RECEIPTS Receipts were collected, converted into Sterling Money, at the established Rate of Halfpenny the Company's Rupee.

PAYMENTS OUT OF THE INCOME.						10.	11.	
4. Charges of Collection, including Cost and Charges of Salt and Opium. (See Account, No. 16.)	5. Allowances and Assignments payable out of the Revenues, in accordance with Treaties or other Engagements. (See Account, No. 18.)	6. Sinking Fund for the Redemption of the Bonds issued to the Creditors of the late Rajah of Tanjore, and Interest thereon (payable out of the Tanjore Revenues). (See Account, No. 19.)	7. Allowances to District and Village Officers and Enamdars, including Charitable Grants. (See Account, No. 20.)	8. OTHER PAYMENTS. (See Account, No. 17.)	9. TOTAL PAYMENTS out of the INCOME.	NET RECEIPTS into the several Government Treasuries.	Rate per Cent. for which the Gross Receipt was Collected.	
£.	£.	£.	£.	£.	£.	£.		
1,563,719	1,232,289	47,789	1,064,366	606,996	4,515,159	13,302,140	8·765	
116,609	- - -	- - -	- - -	- - -	116,609	1,818,297	5·904	
							Including Cost of Salt and Opium. (See Account, No. 16.)	Excluding Cost of Salt and Opium.
574,282	- - -	- - -	- - -	- - -	574,282	1,911,107	23·103	12·598
1,156,874	- - -	- - -	- - -	- - -	1,156,874	3,714,353	23·749	3·479
						Excess of Payments		
241,115	- - -	- - -	- - -	- - -	241,115	*22,070*		
30,958	- - -	- - -	- - -	- - -	30,958	473,371	5·974	
- - -	- - -	- - -	- - -	- - -	- - -	184,903		
- - -	- - -	- - -	- - -	- - -	- - -	164,013		
- - -	- - -	- - -	- - -	- - -	- - -	177,487		
4,032	5,209	- - -	- - -	- - -	9,241	88,663		
2,730	7,000	- - -	- - -	5,842	15,572	4,905	13·332	
- - -	- - -	- - -	- - -	- - -	- - -	8,858		
- - -	- - -	- - -	- - -	- - -	- - -	85,705		
- - -	- - -	- - -	- - -	- - -	- - -	15,719		
- - -	- - -	- - -	- - -	- - -	- - -	69,109		
- - -	- - -	- - -	- - -	- - -	- - -	85,620		
3,690,319	1,244,498	47,789	1,064,366	612,838	6,659,810	22,082,180		
- - -	- - -	- - -	- - -	4,940	4,940	8,031		
3,690,319	1,244,498	47,789	106 4,366	617,778	6,664,750	22,090,211		
- - -	- - -	- - -	- - -	- - -	- - -	57,136		
3,690,319	1,244,498	47,789	1,064,366	617,778	6,664,750	22,147,347		

with Duties of Internal Administration, as well as with the Collection of the Revenues.

No. 2.—AN ACCOUNT of the Gross Revenues of the PRESIDENCY of BENGAL, for the Year
Receipts into the several Government Treasuries, and the

			1.	2.
				Repayments.
			GROSS RECEIPTS.	Allowances, Refunds and Drawbacks.
ORDINARY REVENUES:				
Land Revenue, including Tributes and Subsidies from Native States, Excise Duties in Calcutta, Sayer and Abkarry Revenues, &c.:			£.	£.
Land Revenue			3,336,763	3,613
Tributes from the Nizam, Rajpoot and other States (Account, No. 15)			100,805	-
Excise Duties in Calcutta			42,326	-
Sayer			48,593	19
Abkarry			255,902	189
Miscellaneous Receipts in the Revenue Department			4,502	-
		£.	3,788,891	3,821
Customs:	£.			
On Goods imported	355,211			
On Goods exported	163,370			
	£. 518,581			
On Salt imported	793,143			
			1,311,724	-
Sale of Salt			1,014,031	-
Sale of Opium			3,910,985	-
Post-Office Collections			35,514	-
Stamp Duties			205,994	-
Mint Receipts			111,425	-
Marine and Pilotage Receipts			131,113	-
Judicial Receipts (Fees, Fines, &c.)			94,121	-
Revenues of Prince of Wales' Island, Singapore and Malacca (Account, No. 3)			97,904	-
Revenues and Receipts from the District of Coorg (Account, No. 4)			20,477	-
Receipts from the Territory ceded by the Burmese, including the Annexed Provinces of Pegu and Martaban (Account, No. 5)			598,776	267
Revenues and Receipts from the Nagpore Territory (Account, No. 5 A)			529,127	-
Ditto Oude Territory (Account, No. 5 B)			201,935	-
Sale of Durbar Presents			5,960	-
Interest on Debt due by the Nizam, and on other Accounts			43,724	-
Electric Telegraph: Collections on Account Telegraph Messages, &c.			15,719	-
Ferry Collections			26,413	-
Miscellaneous Receipts in the Civil and Political Departments			13,295	-
		Total Ordinary Revenues £.	12,157,128	4,088
OTHER RESOURCES:				
On Account, net proceeds of Estates administered to by the late Registrar of the Supreme Court (Act of the Government of India, No. 5, of 1851)			37	-
		£.	12,157,165	4,088
Gain by Exchange with reference to the fixed rate of 1*s.* 10½*d.*, the Company's Rupee, on Remittance transactions between Bengal and London			48,551	-
		Total Bengal Presidency £.	12,205,716	4,088

1855–56, with the Charges of Collection and other Payments out of those Revenues; the Net Rates per Cent. for which the Gross Receipts were collected.

3.	PAYMENTS OUT OF THE INCOME.				8.	9.	
NET RECEIPT within the Year, after deducting Repayments.	4. Charges of Collection, including Cost and Charges of Salt and Opium.	5. Allowances and Assignments payable out of the Revenues, in accordance with Treaties or other Engagements.	6. OTHER PAYMENTS.	7. TOTAL PAYMENTS out of the INCOME.	NET RECEIPTS into the several Government Treasuries.	Rate per Cent. for which the Gross Receipt was Collected.	
£.	£.	£.	£.	£.	£.		
3,333,150							
100,805							
42,326							
48,574							
255,713							
4,502							
3,785,070	230,280	216,041	146,099	592,420	3,192,650	6·077	
1,311,724	49,936	- - -	- - -	49,936	1,261,788	3·806	
						Including Cost of Salt and Opium. (See Account, No. 16.)	Excluding Cost of Salt and Opium
1,014,031	359,591	- - -	- - -	359,594	654,440	35·461	15·423
3,910,985	1,143,849	- - -	- - -	1,143,849	2,767,136	29·246	4·
35,514	60,836	- - -	- - -	60,836	*Excess of Payments* 25,322		
205,994	11,318	- - -	- - -	11,318	194,676	5·494	
111,425	- - -	- - -	- - -	- - -	111,425		
131,113	- - -	- - -	- - -	- - -	131,113		
94,121	- - -	- - -	- - -	- - -	94,121		
97,904	4,032	5,209	- - -	9,241	88,663		
20,477	2,730	7,000	5,842	15,572	4,905	13·332	
598,509	*Excess Charges re-credited* 48,673	- - -	3,225	*Excess Charges re-credited* 45,448	643,957		
529,127	39,051	94,448	- - -	133,499	395,628		
201,935	6,702	- - -	- - -	6,702	195,233		
5,960	- - -	- - -	- - -	- - -	5,960		
43,724	- - -	- - -	- - -	- - -	43,724		
15,719	- - -	- - -	- - -	- - -	15,719		
26,413	- - -	- - -	- - -	- - -	26,413		
13,295	- - -	- - -	- - -	- - -	13,295		
12,153,040	1,859,652	322,698	155,166	2,337,516	9,815,524		
37	- - -	- - -	4,940	4,940	*Excess of Payments* 4,903		
12,153,077	1,859,652	322,698	160,106	2,342,456	9,810,621		
48,551	- - -	- - -	- - -	- - -	48,551		
12,201,628	1,859,652	322,698	160,106	2,342,456	9,859,172		

No. 3.—AN ACCOUNT of the Gross Revenues of the EASTERN SETTLEMENTS, for the Year 1855-56, with the Charges of Collection and other Payments out of those Revenues; the Net Receipts into the several Government Treasuries, and the Rates per Cent. for which the Gross Receipts were collected.

REVENUES:	1. GROSS RECEIPTS.	PAYMENTS OUT OF THE INCOME. 2. CHARGES of COLLECTION.	3. Allowances and Assignments payable out of the Revenues.	4. TOTAL PAYMENTS out of the INCOME.	5. NET RECEIPTS into the several Government Treasuries.	6. Rate per Cent. for which the Gross Receipt was Collected.
Prince of Wales' Island:	£.	£.	£.	£.	£.	
Opium Farms, Arrack, Toddy, Baung and Market Farms, Quit and Ground-rents, Sale of Waste and Unoccupied Lands, Fees, &c.	22,521	903	1,625	2,528	19,993	4·009
Post-Office Collections	710	533	-	533	177	75·070
Marine Receipts, Registry Fees, &c.	58	-	-	-	58	
Judicial Receipts, Fees, Fines, &c.	2,019	-	-	-	2,019	
Total Prince of Wales' Island (Penang) £.	25,308	1,436	1,625	3,061	22,247	
Singapore:						
Opium Farms, Arrack, Toddy, Baung and Market Farms, Quit and Ground-rents, Sale of Waste Lands, Pawnbrokers' Licences, Fees, &c.	51,737	1,113	1,733	2,846	48,891	2·151
Post-Office Collections	2,071	1,134	-	1,134	937	54·756
Marine Receipts, Registry Fees, &c.	92	-	-	-	92	
Judicial Receipts, Fees, Fines, &c.	2,677	-	-	-	2,677	
Total Singapore £.	56,577	2,247	1,733	3,980	52,597	
Malacca:						
Opium Farms, Arrack, Toddy, Baung and Market Farms, Rent of the Tin of Malacca and Nanning, Land Revenue, Pawnbrokers' Licenses, Fees, &c.	15,249	346	1,851	2,197	13,052	2·269
Post-Office Collections	37	3	-	3	34	8·108
Judicial Receipts, Fees, Fines, &c.	733	-	-	-	733	
Total Malacca £.	16,019	349	1,851	2,200	13,819	
Total Eastern Settlements £.	97,904	4,032	5,209	9,241	88,663	
Abstract Account of the Revenues of the Eastern Settlements:						
Farms, Rents, Licences, Fees, &c.	89,507	2,362	5,209	7,571	81,936	2·639
Post-Office Collections	2,818	1,670	-	1,670	1,148	59·262
Marine Receipts	150	-	-	-	150	
Judicial Receipts	5,429	-	-	-	5,429	
Total Eastern Settlements, carried to Accounts, Nos. 1 and 2 £.	97,904	4,032	5,209	9,241	88,663	

No. 4.—AN ACCOUNT of the Gross Revenues of the District of COORG, for the Year 1855-56, with the Charges of Collection and other Payments out of those Revenues, the Net Receipts into the Commissioner's Treasury, and the Rate per Cent. for which the Gross Receipt was collected.

HEADS OF REVENUE:	1. GROSS RECEIPTS.	PAYMENTS OUT OF THE INCOME. 2. CHARGES of COLLECTION.	3. Allowances and Assignments payable out of the Revenues.	4. OTHER PAYMENTS.	5. TOTAL PAYMENTS out of the INCOME.	6. NET RECEIPTS.	7. Rate per Cent. for which the Gross Receipt was Collected.
	£.	£.	£.	£.	£.	£.	
Land Revenue	16,078						
Abkarry ditto	2,085						
Taxes on Houses and Shops	395						
Sale of Cardamoms and Sandal Wood	1,648						
Fees, Fines and Miscellaneous Receipts	271						
Total, carried to Accounts, Nos. 1 and 2 £.	20,477	2,730	7,000	5,842	15,572	4,905	13·332

No. 5.—AN ACCOUNT of the GROSS REVENUES from the Territory ceded by the BURMESE, including the annexed Provinces of PEGU and MARTABAN, for the Year 1855-56, with the CHARGES of COLLECTION and other PAYMENTS out of those Revenues; the NET RECEIPTS into the Government Treasuries, and the Rates per Cent. for which the Gross Receipts were Collected.

TERRITORY CEDED BY THE BURMESE.	1. Gross Receipts.	2. Repayments.—Allowances, Refunds, and Drawbacks.	3. Net Receipt within the Year, after deducting Repayments.	PAYMENTS OUT OF THE INCOME. 4. CHARGES of COLLECTION.	5. Other Payments.	6. TOTAL PAYMENTS out of the INCOME.	7. NET RECEIPTS.	8. Rate per Cent. for which the Gross Receipt was Collected.
REVENUES AND RECEIPTS:	£.	£.	£.	£.	£.	£.	£.	
Land Revenue	169,735	267	169,468					
Sayer - ditto	50,597	-	50,597					
Abkarry ditto	22,106	-	22,106					
Miscellaneous Receipts in the Revenue Department	230	-	230					
	242,668	267	242,401	42,362	3,057	45,419	196,982	17·456
Customs at Akyab—on Imports, 10,028 *l.*; on Exports, 18,819 *l.*	28,847	-	28,847	2,094	-	2,094	26,753	7·259
Judicial Receipts (Fees, Fines, &c.)	10,132	-	10,132	-	-	-	10,132	
Stamp Duties	119	-	119	-	-	-	119	
TOTAL Ceded Territory - £.	281,766	267	281,499	44,456	3,057	47,513	233,986	
PEGU and MARTABAN (annexed by Proclamation of the Government of India, dated 20 December 1852):								
Land Revenue	170,590	-	170,590					
Sayer - ditto	28,750	-	28,750					
Abkarry ditto	17,322	-	17,322					
Miscellaneous Receipts in the Revenue Department	268	-	268					
	216,930	-	216,930	63,382	168	63,550	153,380	29·218
Customs—on Imports, 28,556 *l.*; on Exports, 23,887 *l.*	52,443	-	52,443	4,334	-	4,334	48,109	8·264
							Excess of Payments,	
Post-Office Collections	2,184	-	2,184	5,944	-	5,944	*3,760*	
Judicial Receipts (Fees, Fines, &c.)	8,225	-	8,225	-	-	-	8,225	
Marine Receipts	534	-	534	-	-	-	534	
Ferry Collections	144	-	144	-	-	-	144	
Miscellaneous Receipts (including 36,311 *l.*, Sale of Lands)	36,550	-	36,550	-	-	-	36,550	
Amount included with "Charges of Collection" in former years, recredited	-	-	-	73,660 166,789	-	73,828 166,789	243,182 166,789	
TOTAL PEGU and MARTABAN - £.	317,010	-	317,010	*Excess Recredited, 93,129*	168	*Excess Recredited, 92,961*	409,971	
TOTAL BURMESE PROVINCES - £.	598,776	267	598,509	*Excess Recredited, 48,673*	3,225	*Excess Recredited, 45,448*	643,957	
ABSTRACT ACCOUNT of the REVENUES and RECEIPTS from the BURMESE PROVINCES:								
Land Revenue	340,325	267	340,058					
Sayer - ditto	79,347	-	79,347					
Abkarry ditto	39,428	-	39,428					
Miscellaneous Receipts in the Revenue Department	498	-	498					
	459,598	267	459,331	105,744	3,225	108,969	350,362	23·008
Customs	81,290	-	81,290	6,428	-	6,428	74,862	7·907
							Excess of Payments,	
Post Office Collections	2,184	-	2,184	5,944	-	5,944	*3,760*	
Judicial Receipts (Fees, Fines, &c.)	18,357	-	18,357	-	-	-	18,357	
Stamp Duties	119	-	119	-	-	-	119	
Marine Receipts	534	-	534	-	-	-	534	
Ferry Collections	144	-	144	-	-	-	144	
Miscellaneous Receipts	36,550	-	36,550	-	-	-	36,550	
				118,116		121,341	477,168	
Charges recredited as above stated	-	-	-	166,789	-	166,789	166,789	
TOTAL BURMESE PROVINCES, carried to Account, No. 2 - £.	598,776	267	598,509	*Excess Recredited, 48,673*	3,225	*Excess Recredited, 45,448*	643,957	

No. 5 A.—AN ACCOUNT of the GROSS REVENUES of the NAGPORE TERRITORY, for the Year 1855-56, with the CHARGES of COLLECTION and other PAYMENTS out of those REVENUES; the NET RECEIPTS into the several Government Treasuries, and the Rates per Cent. for which the Gross Receipts were Collected.

	1.	PAYMENTS OUT OF THE INCOME.			5.	6.
		2.	3.	4.		
	GROSS RECEIPTS.	CHARGES of COLLECTION.	Allowances and Assignments payable out of the Revenues.	TOTAL PAYMENTS out of the INCOME.	NET RECEIPTS.	Rate per Cent. for which the Gross Receipt was Collected.
REVENUES AND RECEIPTS:	£.	£.	£.	£.	£.	
LAND, SAYER AND ABKARRY REVENUES:						
Land Revenue	395,107					
Sayer - ditto	22,395					
Abkarry ditto	18,124					
Miscellaneous Receipts in the Revenue Department	7,789					
	443,415	36,049	94,448	130,497	312,918	8 129
Customs	51,979	1,443	- -	1,443	50,536	2·776
Post Office Collections	850	1,559	- -	1,559	*Excess of Payments* 709	
Stamps (Judicial)	2,900	- -	- -	- -	2,900	
Miscellaneous Receipts in the Civil and Political Departments, including 22,186*l.* Sale Proceeds of late Government Property	29,983	- -	- -	- -	29,983	
TOTAL, carried to Account, No. 2 - £.	529,127	39,051	94,448	133,499	395,628	

No. 5 B.—AN ACCOUNT of the GROSS REVENUES of the OUDE TERRITORY for the Year 1855-56, with the CHARGES of COLLECTION and other PAYMENTS out of those REVENUES; the NET RECEIPTS into the several Government Treasuries, and the Rates per Cent. for which the Gross Receipts were Collected.

	1.	2. PAYMENTS OUT OF THE INCOME.	3.	4.
	GROSS RECEIPTS.	CHARGES of COLLECTION.	NET RECEIPTS.	Rate per Cent. for which the Gross Receipt was Collected.
REVENUES AND RECEIPTS:				
LAND, SAYER AND ABKARRY REVENUES:	£.	£.	£.	
Land Revenue	198,617			
Sayer - ditto	59			
Abkarry ditto	1,663			
Miscellaneous Receipts in the Revenue Department	116			
	200,455	6,144	194,311	3·605
Post Office Collections	694	558	136	80·403
Stamp Duties	567	- -	567	
Judicial Receipts, Fines, &c.	35	- -	35	
Miscellaneous Receipts in the Civil and Political Departments	184	- -	184	
TOTAL, carried to Account, No. 2 - - £.	201,935	6,702	195,233	

No. 6.—AN ACCOUNT of the Gross Revenues of the NORTH WESTERN PROVINCES, including the Annexed Territories, for the Year 1855–56, with the Charges of Collection and other Payments out of those Revenues; the Net Receipts into the several Government Treasuries, and the Rates per Cent. for which the Gross Receipts were collected.

	1.	2.	3.	PAYMENTS OUT OF THE INCOME.				8.	9.
		Repayments.							
	GROSS RECEIPTS.	Allowances, Refunds and Drawbacks.	NET RECEIPT within the Year, after deducting Repayments.	4. CHARGES of COLLECTION.	5. Allowances and Assignments payable out of the Revenues, in accordance with Treaties or other Engagements.	6. OTHER PAYMENTS.	7. TOTAL PAYMENTS out of the INCOME.	NET RECEIPTS into the several Government Treasuries.	Rate per Cent. for which the Gross Receipt was Collected.
ORDINARY REVENUES:									
Land, Sayer and Abkarry Revenues:	£.	£.	£.	£.	£.	£.	£.	£.	
Land Revenue	4,687,029	5,075	4,681,954						
Sayer ditto	48,595	- - -	48,595						
Abkarry ditto	235,201	- - -	235,201						
Miscellaneous Receipts in the Revenue Department	39,438	- - -	39,438						
£.	5,010,263	5,075	5,005,188	451,133	380,710	98,943	930,786	4,074,402	9·004
Customs: £.									
On Goods imported 11,464									
Ditto exported 55,571									
Transit duties collected at Ajmere 5,769									
	72,804	4,836	67,968	10,353	- - -	- - -	10,353	57,615	14·220
Receipts from Salt (Duties)	514,907	- - -	514,907	73,229	- - -	- - -	73,229	441,678	14·220
Post-Office Collections	81,827	488	81,339	41,735	- - -	- - -	41,735	39,604	51·004
Stamp Duties	158,646	6,513	152,133	9,200	- - -	- - -	9,200	142,933	5·799
Judicial Receipts (Fees, Fines, &c.)	19,344	- - -	19,344	- - -	- - -	- - -	- - -	19,344	
Sale of Presents	245	- - -	245	- - -	- - -	- - -	- - -	245	
Interest on Tuecavee Advances, and on other Accounts	1,725	- - -	1,725	- - -	- - -	- - -	- - -	1,725	
Toll Collections	8,581	- -	8,581	- - -	- - -	- - -	- - -	8,581	
Miscellaneous Receipts in the Civil and Political Departments	414	- - -	414	- - -	- - -	- - -	- - -	414	
Total North Western Provinces, including the Cis and Trans-Sutlej States £.	5,868,756	16,912	5,851,844	585,650	380,710	98,943	1,065,303	4,786,541	
Add—Punjaub and Trans-Indus Territory, per Account, No. 7	1,216,492	2,761	1,213,731	187,660	105,128	39,173	331,961	881,770	
Total North Western Provinces, including the Annexed Territories £.	7,085,248	19,673	7,065,575	773,310	485,838	138,116	1,397,264	5,668,311	

No. 7.—AN ACCOUNT of the Gross Revenues of the PUNJAUB and TRANS-INDUS TERRITORY, for the Year 1855-56, with the Charges of Collection and other Payments out of those Revenues; the Net Receipts into the several Government Treasuries, and the Rates per Cent. for which the Gross Receipts were collected.

ORDINARY REVENUES:	1. GROSS RECEIPTS.	2. Repayments. Allowances, Refunds and Drawbacks.	3. NET RECEIPT within the Year, after deducting Repayments.	PAYMENTS OUT OF THE INCOME. 4. CHARGES of COLLECTION.	5. Allowances and Assignments payable out of the Revenues, in accordance with Treaties or other Engagements.	6. OTHER PAYMENTS.	7. TOTAL PAYMENTS out of the INCOME.	8. NET RECEIPTS into the several Government Treasuries.	9. Rate per Cent. for which the Gross Receipt was Collected.
Land, Sayer and Abkarry Revenues:	£.	£.	£.	£.	£.	£.	£.	£.	
Land Revenue	894,698	2,162	892,536						
Sayer Revenue	36,391	9	36,382						
Abkarry Revenue	37,663	- - -	37,663						
Miscellaneous Receipts in the Revenue Department	3,528	- - -	3,528						
£.	972,280	2,171	970,109	149,757	105,128	39,173	294,058	676,051	15·402
Receipts from Salt (Produce of the Salt Mines)	190,876	- - -	190,876	25,152	- - -	- - -	25,152	165,724	13·177
Post-Office Collections	22,459	262	22,197	11,623	- - -	- - -	11,623	10,574	51·752
Stamp Duties	18,907	328	18,579	1,128	- - -	- - -	1,128	17,451	5·966
Judicial Receipts (Fees, Fines, &c.)	9,568	- - -	9,568	- - -	- - -	- - -	- - -	9,568	
Sale of Presents	2,390	- - -	2,390	- - -	- - -	- - -	- - -	2,390	
Miscellaneous Receipts in the Civil and Political Departments	12	- - -	12	- - -	- - -	- - -	- - -	12	
Total Punjaub and Trans-Indus Territory, carried to Account, No. 6. £.	1,216,492	2,761	1,213,731	187,660	105,128	39,173	331,961	881,770	

No. 8.—AN ACCOUNT of the Gross Revenues of the PRESIDENCY of MADRAS, for the Year 1855-56, with the Charges of Collection and other Payments out of those Revenues; the Net Receipts into the several Government Treasuries, and the Rates per Cent. for which the Gross Receipts were collected.

	1.	2.	3.	PAYMENTS OUT OF THE INCOME.						10.	11.	
				4.	5.	6.	7.	8.	9.			
ORDINARY REVENUES:	GROSS RECEIPTS.	Repayments. Allowances, Refunds and Drawbacks.	NET RECEIPT within the Year, after deducting Repayments.	Charges of Collection, including Cost and Charges of Salt.	Allowances and Assignments payable out of the Revenues, in accordance with Treaties or other Engagements.	Charitable Grants in lieu of resumed Lands, Privileges, and Offices, &c.	Sinking Fund for the Redemption of the Bonds issued to the Creditors of the late Rajah of Tanjore, and Interest thereon (payable out of the Tanjore Revenues).	OTHER Payments.	TOTAL PAYMENTS out of the INCOME.	NET RECEIPTS into the several Government Treasuries.	Rate per Cent. for which the Gross Receipt was Collected.	
Land Revenue, including Subsidies from Native States, Abkarry and Moturpha Revenues, &c.:	£.	£.	£.	£.	£.	£.	£.	£.	£.	£.		
Land Revenue	3,414,611	2,140	3,412,471									
Subsidies from Mysore, Travancore and Cochin (Account, No. 15)	323,103	- - -	323,103									
Abkarry	209,244	45	209,199									
Small Farms and Licences	22,350	53	22,297									
Moturpha	101,889	1,675	100,214									
Miscellaneous Receipts in the Revenue Department	18,394	53	18,341									
	£. 4,089,591	3,966	4,085,625	424,786	301,668	86,035	47,789	202,834	1,063,112	3,022,513	10·387	
CUSTOMS:												
Land £. 17,958												
Sea 112,756												
	130,714	2,195	128,519	18,810	- - -	- - -	- - -	- -	18,810	109,709	14·390	
											Including Cost of Salt. (See Account, No. 16).	Excluding Cost of Salt.
Sale of Salt	507,734	- - -	507,734	87,000	- - -	- - -	- - -	- -	87,000	420,734	17·135	5·728
Post Office Collections	55,521	- - -	55,521	44,185	- - -	- - -	- - -	- -	44,185	11,336	79·582	
Stamp Duties	66,855	7,033	59,822	6,107	- - -	- - -	- - -	- -	6,107	53,715	9·134	
Mint Receipts	18,640	- - -	18,640	- - -	- - -	- - -	- - -	- -	- - -	18,640		
Marine Receipts	7,814	- - -	7,814	- - -	- - -	- - -	- - -	- -	- - -	7,814		
Judicial Receipts (Fees, Fines, &c.)	14,389	- - -	14,389	- - -	- - -	- - -	- - -	- -	- - -	14,389		
Interest on Debt due by the Mysore State, and on other Accounts	26,479	- - -	26,479	- - -	- - -	- - -	- - -	- -	- - -	26,479		
Toll and Ferry Collections	19,802	- - -	19,802	- - -	- - -	- - -	- - -	- -	- - -	19,802		
Miscellaneous Receipts into the Civil and Political Departments	1,792	- - -	1,792	- - -	- - -	- - -	- - -	- -	- - -	1,792		
	£. 4,939,331	13,194	4,926,137	580,888	301,668	86,035	47,789	202,834	1,219,214	3,706,923		
OTHER RESOURCES:												
On account Unclaimed Estates transferred to the Credit of Government, under Act of the Government of India, No. 8 of 1855	8,820	- - -	8,820	- - -	- - -	- - -	- - -	- -	- - -	8,820		
Gain by Exchange with reference to the fixed Rate of 1s. 10½d., the Company's Rupee, on Remittance Transactions between Madras and London	8,720	- - -	8,720	- - -	- - -	- - -	- - -	- -	- - -	8,720		
Total Madras Presidency £.	4,956,871	13,194	4,943,677	580,888	301,668	86,035	47,789	202,834	1,219,214	3,724,463		

No. 9.—AN ACCOUNT of the GROSS REVENUES of the PRESIDENCY of BOMBAY, for the Year 1855-56, with the CHARGES of COLLECTION and other PAYMENTS out of those REVENUES; the NET RECEIPTS into the several Government Treasuries, and the Rates per Cent. for which the Gross Receipts were collected.

			1.	2.	3.	PAYMENTS OUT OF THE INCOME.					9.	10.
			GROSS RECEIPTS.	Repayments. — Allowances, Refunds and Drawbacks.	NET RECEIPT within the Year, after deducting Repayments.	4. CHARGES of COLLECTION.	5. Allowances and Assignments payable out of the Revenues, in accordance with Treaties or other Engagements.	6. Allowances to District and Village Officers and Enamdars, including Charitable Grants.	7. OTHER PAYMENTS.	8. TOTAL PAYMENTS out of the INCOME.	NET RECEIPTS into the several Government Treasuries.	Rate per Cent. for which the Gross Receipt was Collected.
ORDINARY REVENUES:												
Land and Sayer Revenues, including Tributes and Subsidies from Native States:			£.	£.	£.	£.	£.	£.	£.	£.	£.	
Land Revenue			2,157,704	4,488	2,153,216							
Tributes and Subsidies (Account, No. 15)			74,996	- - -	74,996							
Sayer			85,459	- - -	85,459							
Miscellaneous Receipts in the Revenue Department			24,297	- - -	24,297							
			2,342,456	4,488	2,337,968	245,028	68,726	821,647	83,651	1,219,052	1,118,916	10·460
Customs:		£.										
Land Customs	£. 5,470											
Sea Customs—On Goods imported	235,026											
— Ditto exported	67,252											
On Tobacco	10,019											
Registry Fees and Miscellaneous Collections in the Customs Department	1,992											
		314,289	319,759	33,062	286,697	27,901	- - -	- - -	- - -	27,901	258,796	8·726
Receipts from Salt:												
Excise Duty		257,605										
Produce of Government Salt Pans		583										
			258,188	347	257,841	29,310	- - -	- - -	- - -	29,310	228,531	11·352
Sale of Opium Passes and Opium:												
Opium Passes		942,788										
Retail Sale, &c., of Opium		17,454										
			960,242	- - -	960,242	13,025	- - -	- - -	- - -	13,025	947,217	1·356
Post Office Collections			17,556	- - -	17,556	48,963	- - -	- - -	- - -	48,963	*Excess of Payments,* 31,407	
Stamp Duties			59,928	- - -	59,928	2,999	- - -	- - -	- - -	2,999	56,929	5·002
Mint Receipts			54,838	- - -	54,838	- - -	- - -	- - -	- - -	- - -	54,838	
Marine and Dock Dues			23,311	- - -	23,311	- - -	- - -	- - -	- - -	- - -	23,311	
Judicial Receipts (Fees, Fines, &c.)			13,475	679	12,796	- - -	- - -	- - -	- - -	- - -	12,796	
Sale of Presents			251	- - -	251	- - -	- - -	- - -	- - -	- - -	251	
Interest on Tuccavee Advances, and on other Accounts			13,289	- - -	13,289	- - -	- - -	- - -	- - -	- - -	13,289	
Toll and Ferry Collections			12,244	- - -	12,244	- - -	- - -	- - -	- - -	- - -	12,244	
Miscellaneous Receipts in the Civil and Political Departments			2,699	- - -	2,699	- - -	- - -	- - -	- - -	- - -	2,699	
Receipts of the Province of Sind (see Account, No. 10)			309,422	3,426	305,996	91,164	41,584	22,389	23,287	178,424	127,572	
Receipts of the Sattara State (see Account, No. 11)			251,827	245	251,582	18,079	23,984	134,295	9,784	186,142	65,440	
		£.	4,639,485	42,247	4,597,238	476,469	134,294	978,331	116,722	1,705,816	2,891,422	
On Account—Unclaimed Estates, &c., paid over under sec. 51 Act of the Government of India, No. VIII. of 1855			4,114	- - -	4,114	- - -	- - -	- - -	- - -	- - -	4,114	
		£.	4,643,599	42,247	4,601,352	476,469	134,294	978,331	116,722	1,705,816	2,895,536	
Deduct—Net Loss by Exchange with reference to the fixed rate of 1 *s.* 10½ *d.* the Company's Rupee, on Remittance Transactions between Bombay and London			135	- - -	135	- - -	- - -	- - -	- - -	- - -	135	
TOTAL BOMBAY PRESIDENCY		£.	4,643,464	42,247	4,601,217	476,469	134,294	978,331	116,722	1,705,816	2,895,401	

No. 10.—AN ACCOUNT of the Gross Revenues of the Province of SIND, for the Year 1855-56, with the Charges of Collection and other Payments out of those Revenues; the Net Receipts into the several Government Treasuries, and the Rates per Cent. for which the Gross Receipts were collected.

ORDINARY REVENUES:	1. Gross Receipts.	2. Repayments. Allowances, Refunds and Drawbacks.	3. Net Receipt within the Year, after deducting Repayments.	PAYMENTS OUT OF THE INCOME. 4. Charges of Collection.	5. Allowances and Assignments payable out of the Revenues, in accordance with Treaties or other Engagements.	6. Allowances to Enamdars, &c.	7. Other Payments.	8. Total Payments out of the Income.	9. Net Receipts into the several Government Treasuries.	10. Rate per Cent. for which the Gross Receipt was Collected.
Land and Sayer Revenues:	£.	£.	£.	£.	£.	£.	£.	£.	£.	
Land Revenue	272,599	3,329	269,270							
Sayer ditto	14,856	- -	14,856							
Miscellaneous Receipts in the Revenue Department	262	- -	262							
£.	287,717	3,329	284,388	63,714	41,584	22,389	23,287	150,974	133,414	22·144
Customs, Sea	5,958	- -	5,958	1,738	- - -	- -	- -	1,738	4,220	29·171
Post-Office Collections	3,190	- -	3,190	25,712	- - -	- -	- -	25,712	*Excess of Payments, 22,522.*	
Marine Receipts	1,241	- -	1,241	- -	- - -	- -	- -	- -	1,241	
Judicial Receipts (Fees, Fines, &c.)	8,528	97	8,431	- -	- - -	- -	- -	- -	8,431	
Sale of Presents	12	- -	12	- -	- - -	- -	- -	- -	12	
Interest on Advances	486	- -	486	- -	- - -	- -	- -	- -	486	
Ferry Collections	1,747	- -	1,747	- -	- - -	- -	- -	- -	1,747	
Miscellaneous Receipts in the Civil and Political Departments	543	- -	543	- -	- - -	- -	- -	- -	543	
Total Province of Sind (carried to Account, No. 9) £.	309,422	3,426	305,996	91,164	41,584	22,389	23,287	178,424	127,572	

No. 11.—AN ACCOUNT of the Gross Revenues of the Province of SATTARA, for the Year 1856-56, with the Charges of Collection and other Payments out of those Revenues; the Net Receipts into the Local Government Treasury, and the Rates per Cent. for which the Gross Receipts were collected.

ORDINARY REVENUES:	1. Gross Receipts.	2. Repayments. Allowances, Refunds, and Drawbacks.	3. Net Receipt within the Year, after deducting Repayments.	PAYMENTS OUT OF THE INCOME. 4. Charges of Collection.	5. Allowances and Assignments payable out of the Revenues, in accordance with Treaties or other Engagements.	6. Allowances to Zemindars, Musmoodars, Dessaes, and other District and Village Officers, including Charitable Grants.	7. Other Payments.	8. Total Payments out of the Income.	9. Net Receipts into the Local Government Treasury.	10. Rate per Cent. for which the Gross Receipt was Collected.
Land and Sayer Revenues:	£.	£.	£.	£.	£.	£.	£.	£.	£.	
Land Revenue	237,563	- -	237,563							
Sayer ditto	8,089	- -	8,089							
Miscellaneous Receipts in the Revenue Department	98	- -	98							
£.	245,750	- -	245,750	17,873	23,984	134,295	9,784	185,936	59,814	7·273
Customs	771	- -	771	- -	- - -	- -	- -	- -	771	
Stamp Duties	4,287	- -	4,287	206	- - -	- -	- -	206	4,081	4·805
Judicial Receipts (Fees, Fines, &c.)	691	245	446	- -	- - -	- -	- -	- -	446	
Interest on Advances, &c.	2	- -	2	- -	- - -	- -	- -	- -	2	
Toll and Ferry Collections	178	- -	178	- -	- - -	- -	- -	- -	178	
Miscellaneous Receipts in the Civil and Political Departments	148	- -	148	- -	- - -	- -	- -	- -	148	
Total Province of Sattara (carried to Account, No. 9) £.	251,827	245	251,582	18,079	23,984	134,295	9,784	186,142	65,440	

No. 12.—AN ACCOUNT of the TOTAL INCOME of the REVENUE of INDIA, in the Year ended 30th April 1856, together with an Account of the PUBLIC EXPENDITURE, including REPAYMENTS, ALLOWANCES and DRAWBACKS, and ALLOWANCES and ASSIGNMENTS, and other PAYMENTS made out of the REVENUES, in accordance with Treaties or other Engagements, but exclusive of the Sums applied to the Reduction of Debt.

HEADS OF REVENUE AND RECEIPTS:	GROSS RECEIPTS, as stated in Column 1, of the Account of Income, No. 1.	
ORDINARY:	£.	£.
Land Revenue, including Tributes and Subsidies from Native States, Excise Duties in Calcutta, Sayer and Abkarry Revenues, and Moturpha and small Farms and Licences at Madras	17,840,416	
Customs	1,974,999	
Salt (exclusive of 793,143*l.* Customs on Salt imported into Calcutta, included with the Customs Receipts, as shown in Account, No. 1.)	2,485,736	
Opium	4,871,227	
Post Office Collections	219,795	
Stamp Duties	518,203	
Mint Receipts	184,903	
Marine and Pilotage Receipts	164,013	
Judicial Receipts (Fees, Fines, &c.)	178,508	
Revenues of Prince of Wales' Island, Singapore and Malacca	97,904	
Revenues and Receipts from the District of Coorg	20,477	
Sale of Presents	8,858	
Interest on Debt due by the Nizam, by the Mysore State, and on other Accounts	85,705	
Electric Telegraph, Collections on account Telegraph Messages, &c.	15,719	
Toll and Ferry Collections	69,109	
Miscellaneous Receipts in the Civil and Political Departments	85,620	
		28,821,192
OTHER RECEIPTS:		
Proceeds of unclaimed Estates transferred to the credit of Government, under Acts of the Government of India, No. 5, of 1851, and No. 8, of 1855	12,971	
Gain by Exchange with reference to the fixed rate of 1*s.* 10½*d.*, the Company's Rupee, on Remittance Transactions between India and London	57,136	
		70,107
	£.	28,891,299
EXCESS of EXPENDITURE over INCOME		972,791
	£.	29,864,090

No. of Account.	EXPENDITURE:		£.
1	Repayments: Allowances, Refunds and Drawbacks		79,202
	PAYMENTS in realization of the REVENUE:		
16	Charges of Collection	£. 3,690,319	
17	Other Payments	617,778	
	TOTAL PAYMENTS in the realization of the REVENUE, including Cost of Salt and Opium		4,308,097
18	Allowances and Assignments payable out of the Revenues, in accordance with Treaties or other Engagements		1,244,498
19	Sinking Fund for the Redemption of the Bonds issued to the Creditors of the late Rajah of Tanjore, and Interest thereon, payable out of the Tanjore Revenues		47,789
20	Allowances to District and Village Officers and Enamdars, including Charitable Grants		1,064,366
	TOTAL of the Direct Claims and Demands upon the Revenues, including Charges of Collection and Cost of Salt and Opium	£.	6,743,952
13	Charges in India, including Interest on Debt		19,855,509
13	Charges in England, including Invoice Value of Stores consigned to India		3,264,629
		£.	29,864,090

No. 13.—AN ACCOUNT of the NET PUBLIC INCOME of INDIA, in the Year ended the 30th April 1856 (after abating the EXPENDITURE defrayed thereout by the several REVENUE DEPARTMENTS, and the ALLOWANCES, ASSIGNMENTS, and other PAYMENTS out of those REVENUES, made in accordance with Treaties or other Engagements), and of the actual Issues or Payments within the same Period, exclusive of the Sums applied to the Reduction of Debt.

HEADS OF REVENUE AND RECEIPTS:	£.	£.
ORDINARY:		
Land Revenue, including Tributes and Subsidies from Native States, Excise Duties in Calcutta, Sayer and Abkarry Revenues; and Moturpha, and Small Farms and Licenses at Madras	13,302,140	
Customs	1,818,297	
Salt, exclusive of Customs on Salt imported into Calcutta (included with the Customs Receipts)	1,911,107	
Opium	3,714,353	
Post-office Collections (Excess of Charge 22,070*l.*)	—	
Stamp Duties	473,371	
Mint Receipts	184,903	
Marine and Pilotage Receipts	161,013	
Judicial Receipts (Fees, Fines, &c.)	177,487	
Revenues of Prince of Wales' Island, Singapore and Malacca	88,663	
Revenues and Receipts from the District of Coorg	4,905	
Sale of Presents	8,858	
Interest on Debt due by the Nizam, by the Mysore State, and on other Accounts	85,705	
Electric Telegraph: Collections on account Telegraph Messages, &c.	15,719	
Toll and Ferry Collections	69,109	
Miscellaneous Receipts in the Civil and Political Departments	85,620	
£.	22,104,250	
Post-office: Excess of Charge	22,070	
		22,082,180
OTHER RECEIPTS:		
Net Proceeds of Unclaimed Estates transferred to the Credit of Government, under Acts of the Government of India, No. 5 of 1851, and No. 8 of 1855	8,031	
Gain by Exchange with reference to the fixed rate of 1*s.* 10½*d.*, the Company's Rupee, on Remittance Transactions between India and England	57,136	
		65,167
		22,147,347
EXCESS OF EXPENDITURE OVER INCOME		972,791
	£.	23,120,138

Number of Account.	CHARGES IN INDIA:	£.	£.
21	Charges of the Civil and Political Establishments, including Contingent Charges	2,276,262	
22	Judicial and Police Charges	2,510,799	
23	Buildings, Roads, and other Public Works, exclusive of Repairs, and of Military Buildings	1,881,606	
25	Military Charges £. 10,019,436 Military Buildings 397,933	10,417,369	
26	Indian Navy and other Marine Charges	598,070	
24	Charges of Prince of Wales' Island, Singapore and Malacca (exclusive of Charges of Collection, and other Payments out of the Revenues)	64,512	
27	Mint Charges	62,573	
	£.	17,811,191	
28	Interest on Debt	2,044,318	19,855,509
	CHARGES IN ENGLAND:		
	Dividends to Proprietors of East India Stock	632,689	
31	Interest on the Home Bond Debt	152,017	
	Cost of Coals, and various Expenses connected with Steam Communication with India, deducting the Sum of 10,274*l.* received from Her Majesty's Government	69,665	
	Her Majesty's Government, on account of the Proportion agreed to be borne by the Company of the Amount payable under Contract between Her Majesty's Government and the Peninsular and Oriental Steam Navigation Company, for an extended Communication between India and China	14,384	
	Payments under the New Postal Arrangement with the Lords of Her Majesty's Treasury	55,378	
32	Transport of Troops and Stores, deducting Freight charged in Invoices	54,897	
	Furlough and Retired Pay of Military Officers, including Off-Reckonings	801,712	
	Furlough and Retired Pay of Marine Officers	30,774	
	Her Majesty's Paymaster-general, on account of Queen's Troops serving in India	250,000	
	Retiring Pay, Pensions, &c. of Her Majesty's Troops serving or having served in India, Act 4 Geo. 4, c. 71	60,000	
33	Charges General, comprising the several Establishments at Home, Civil, Military and Maritime Pensions, Recruiting Charges, and Miscellaneous Expenses	493,834	
	Absentee Allowances to Civil Servants of the Indian Establishments	53,877	
	Annuities of the Madras Civil Fund of 1818, borne by the Company	10,062	
	Retired Pay and Pensions of Persons of the late Saint Helena Establishment, not chargeable to the Crown	3,125	
	Her Majesty's Mission to the Court of Persia (portion payable by the Company)	12,000	
	Her Majesty's Establishments in China (portion of the Charge payable by the Company for the years 1850–51, and 1851–52	20,682	
	Expenses incurred on Account of Convicts Transported from India to Van Diemen's Land; Repaid to Her Majesty's Government	9,483	
	Value of Arms taken to India by Her Majesty's Regiments	10,387	
	Grant to Prince Gholam Mahomed, to enable him to return to India in a manner suitable to his Rank	3,000	
	£.	2,737,966	
34	Invoice Value of Stores consigned to India	526,663	
			3,264,629
		£.	23,120,138

No. 14.—ABSTRACT ACCOUNT of the BALANCES of CASH in the several TREASURIES of INDIA, on the 30th April 1855; the Amount of DEBT incurred and DEBT discharged during the Year 1855-56; the Amount of ADVANCES and REPAYMENTS on various Accounts; the SUPPLIES to and from LONDON and between the several PRESIDENCIES; and the BALANCES in the Indian Treasuries on the 30th April 1856; showing also the Amount of the CASH BALANCE in ENGLAND, and the Aggregate of the CASH BALANCES, both in INDIA and in ENGLAND, at the latter Date.

No. of Account.		£.	£.
30	Aggregate of Balances in the several Indian Treasuries on the 30th April 1855 -		9,534,235
"	**DEBT INCURRED:**		
	Subscriptions to Indian Loans:	£.	£.
	3½ per Cent. Loan, dated 28th February 1854 -	6,619	
	4 per Cent. Loan, dated 30th June 1854 - -	140	
	4 per Cent. Transfer Loan - - - - - -	1,000	
	4 per Cent. Loan, dated 1st February 1843 - -	497	
	5 per Cent. Loan, dated 31st March 1855 - -	2,064,178	
			2,072,434
	Treasury Notes issued - - - - - - - - -		239,493
	Bills outstanding - - - - - - - - - -		477,867
	Miscellaneous Deposits - - - - - - - - -		1,635
	Sinking Fund (and Interest thereon) for the redemption of the Bonds issued to the Creditors of the late Rajah of Tanjore - - - -		41,914
			2,833,343
29	Local Indian Surplus - - - - - - - - - - - -		2,291,838
		£.	14,659,416

No. of Account.		£.	£.	£.
30	**DEBT DISCHARGED:**			
	4 per Cent. Loan of 1st February 1843 - - - - - - -	919		
	4 per Cent. Loan of 30th June 1854 - - - - - - -	656		
	5 per Cent. Loan of 31st March 1823 - - - - - - -	2,360		
	5 per Cent. Loan of 1825-26 - - - - - - - -	9,661		
	5 per Cent. Loan of 1829-30 - - - - - - - -	9,840		
	5 per Cent. Loan of 30th June 1841 - - - - - - -	33,431		
	5 per Cent. Transfer Loan - - - - - - - -	14,776		
	Temporary Loans - - - - - - - - - -	28,125		
			99,768	
	Treasury Notes - - - - - - - - - - -		161,656	
	Civil, Military, and other Service Funds - - - - - - - -		4,529	
	Gwalior Contingent, under Treaty of 13th January 1844:			
	Payments - - - - - - - - - - -	148,109		
	Receipts - - - - - - - - - - -	112,574		
			35,535	
				301,488
"	Advances made by Government, including Tuccavee Advances:			
	Advances - - - - - - - - - - - -		2,006,552	
	Repayments - - - - - - - - - - - -		1,968,693	
	Excess of Advances over Repayments - - -			37,859
"	Supplies to London:			
	Court's Bills discharged, and Miscellaneous Remittances and Payments on account of London - - - - - - - - - - -		3,364,993	
	Less,—Bills drawn on the Court of Directors, payments in England for Interest on India Loan Property, and Receipts in Repayment of Advances made in England to Service Funds, &c. - - - - - - -		1,365,235	
	Excess of Supplies to London - - -			1,999,758
"	Balance of Supplies between the different Presidencies (on unadjusted Accounts) - - - -			276,977
"	Balances of Cash in the Treasuries in India on the 30th April 1856 - - - - - -			12,043,334
			£.	14,659,416

	£.	£.
CASH BALANCES in the TREASURIES in INDIA, on the 30th April 1856:		
BENGAL -	5,117,553	
NORTH WESTERN PROVINCES, &c. -	2,251,904	
MADRAS -	2,311,367	
BOMBAY -	2,362,510	
		12,043,334
Balance remaining in the Treasury in England on the same day (*vide* page 4 of the Home Accounts of the East India Company, ordered by the House of Commons to be printed, 10th June 1856) -	3,431,554	
Stock in the Public Funds standing in the Company's name, valued at the market prices on the 30th April 1856 - - - - - - - -	928,316	
		4,359,870
TOTAL CASH BALANCES in INDIA and at HOME on the 30th April 1856, including value of Stock in the Public Funds on that day - - - £.		16,403,204

No. 15.—GENERAL ABSTRACT ACCOUNT of the Receipts under the Head of "Tributes and Subsidies," in the Year ended 30th April 1856.

	£.	£.
BENGAL:		
Tributes from the under-mentioned States:		
Kotah	7,056	
Odeypore	18,516	
Mundy	9,375	
Jhalwar	7,500	
Banswarra	2,568	
Doongerpore	2,568	
Jeypore	37,500	
Serohee	1,269	
Various Petty States	4,320	
Nizam's Government on account of Mahratta Choute	10,133	
		100,805
MADRAS:		
Peishcush and Subsidy:		
Mysore Government	229,687	
Travancore - ditto	74,666	
Cochin - ditto	18,750	
		323,103
BOMBAY:		
Subsidy from the Cutch Government	15,795	
Kattywar Tribute	56,105	
Various Petty States	3,096	
		74,996
	£.	498,904

No. 16.—GENERAL ABSTRACT ACCOUNT of the Charges of Collection on the Public Income of INDIA, for the Year ended the 30th of April 1856.

Charges of Collection of the Land, Sayer, Abkarry and Moturpha Revenues, in the Year 1855-56.

	£.	£.
BENGAL:		
Board of Revenue, comprising proportion (one-half) of the Salaries of the Members and Secretaries, the remaining moiety being charged upon the Custom, Salt and Opium Revenues; Salaries, Establishment and Contingent Charges of the Secretary's Office; Superintendent and Remembrancer of Legal Affairs, and Commissioner, under Regulation 3, of 1828	22,280	
Local Commissioners; Salaries, Establishments and Contingent Charges	20,196	
Collectors of Revenue - ditto - ditto	151,918	
Establishments for collecting the Sayer and Abkarry Revenues, and the Excise Duties in Calcutta, including Contingent Charges	27,911	
Law Charges, Charges of Remittance, Charitable Allowances, Service Pensions, Repairs of Buildings, and Miscellaneous	7,975	
		230,280
Burmese Territory, including the annexed Provinces of Pegu and Martaban:		
Burmese Cessions:	£.	
Local Commissioners; moiety of their Salaries, Establishments and Contingent Charges, the remaining moiety being charged to the Judicial Department	4,389	
Collectors of Revenue; Salaries, Establishments and Contingent Charges	43,319	
Establishments for collecting the Sayer and Abkarry Revenues, Salaries and Contingent Charges	8,667	
	56,375	
Deduct, Sale of confiscated Timber, and other Miscellaneous Receipts, operating in reduction of Charges	14,013	
	42,362	
Pegu and Martaban:	£.	
Local Commissioners; proportion (one-third) of their Salaries, Establishments and Contingent Charges, the remaining two-thirds being charged to the General and Judicial Departments	2,116	
Deputy Commissioners; Salaries, Establishments, and Contingent Charges	46,869	
Sayer and Abkarry Charges; Salary, Establishment and Contingent Charges of the Superintendent of Forests in Pegu, &c.	2,550	
Repairs of Buildings, and Miscellaneous	11,847	
	63,382	
		105,744
Carried forward £.		336,024

No. 16.—General Abstract of Charges of Collection on Public Income of India, for Year ended 30 April 1856—*cont^d.*

	£.	£.	£.
Brought forward - - -		336,024	
Charges of Collection of the Land, Sayer, Abkarry and Moturpha Revenues, in the Year 1855–56—*continued.*			
Nagpore Territory:	£.		
Salaries, Sudder and Pergunnah Establishments, and Contingencies - - - - - - - - - -	105,947		
Less, charged to the Judicial Department - -	70,632		
		35,315	
Sayer Establishment - - - - - - - - - - - -		734	
			36,049
Oude Territory:			
Salaries, Establishments and Contingent Charges in the Revenue Department - -			6,144
TOTAL BENGAL, including BURMESE, NAGPORE and OUDE TERRITORIES			378,217

NORTH WESTERN PROVINCES, including the CIS and TRANS-SUTLEJ States and the PUNJAUB and TRANS-INDUS Territory.

	North Western Provinces, including Cis and Trans-Sutlej States.	Punjaub and Trans-Indus Territory.	TOTAL.		
	£.	£.	£.		
Charges of the Sudder Board of Revenue, North Western Provinces; Salaries of the Members; Secretary, Establishment and Contingent Charges - - - -	19,730	- - -	19,730		
Financial Commissioner in the Punjaub; Salary, Establishment and Contingent Charges	- - -	6,669	6,669		
Commissioners of Revenue; Salaries, Establishments and Contingent Charges - -	21,584	10,457	32,041		
Collectors of Revenue; Salaries, Establishments and Contingent Charges - -	377,393	83,398	460,791		
Settlement Charges - - - - - -	13,360	44,007	57,367		
Law Charges, Pensions, Repairs and Miscellaneous - - - - - - - -	9,422	1,647	11,069		
Postage on Service Letters - - - -	9,644	3,579	13,223		
£.	451,133	149,757			600,890
Madras:					
Board of Revenue; Salaries of the Members and Secretaries of the Board, Secretary's Office, Establishment and Contingent Charges - - -			24,710		
Collectors of Revenue; Salaries, Establishments and Contingent Charges -			377,762		
Postage on Service Letters and Packages - - - - - - -			8,624		
Service Pensions, Law Charges, Repairs, and Miscellaneous - - -			13,690		
					424,786
Bombay:					
Commissioners of Revenue; Salaries, Establishments and Contingent Charges			12,874		
Collectors of Revenue - - ditto - - ditto - -			195,574		
Charges incurred by the Political Agent in Kattywar, in collecting Tribute due to the British Government - - - - - - - - -			7,113		
Charges on account of the Guicowar Cession Establishment, &c. - -			16,973		
Pensions and Charitable Allowances, Repairs of Buildings and Miscellaneous - - - - - - - - - - - - - -			12,494		
			245,028		
Sind:					
Collectors of Kurrachee, Hydrabad, Shikarpore and Thur, and Parkur; Salaries, Establishments and Contingent Charges - - - - -			63,714		
Sattara:					
Salary, Establishment and Contingent Charges - - - - -			17,873		
					326,615
					1,730,508
Deduct, Amount included in the Charges of the Revenue Department at Pegu and Martaban, in former years, re-credited - - - - - - - -					166,789
TOTAL CHARGES of COLLECTION of the LAND, SAYER, ABKARRY and MOTURPHA REVENUES - - - - - - - - -			(carried forward) - - -	£.	1,563,719

No. 16.—General Abstract of Charges of Collection on Public Income of India, for Year ended 30 April 1856—*cont^d.*

		£.	£.
Brought forward			1,563,719
Charges collecting the Customs:			
Bengal:	£.		
Proportion (one-eighth) of the Salaries of the Members of the Board of Revenue chargeable to the Customs Department	1,813		
Proportion (one-eighth) of the Salaries of the Secretary and Junior Secretary of the Board, including Establishment and Contingent Charges of the Secretary's Office	2,512		
Collectors of Customs; Salaries, Establishments, Contingent Charges and Service Pensions	48,268		
£.	52,593		
Godown Rent received	2,657		
£.	49,936		
Burmese Territory, including the annexed Provinces of Pegu and Martaban:			
Burmese Cessions:	£.		
Collectors of Customs, Salaries, Establishments and Contingent Charges at Akyab and Moulmein	2,094		
Annexed Provinces of Pegu and Martaban:			
Collectors of Customs, Salaries, Establishments and Contingent Charges	4,334		
	6,428		
Nagpore Territory:			
Customs Establishment	1,443		
		57,807	
NORTH WESTERN PROVINCES:			
Customs Establishments, including Charges collecting the Salt Duty:			
Salary of the Commissioner	174		
Salaries of the Uncovenanted Collectors, Establishments and Contingent Charges	82,932		
Service Pensions	476		
£.	83,582		
Deduct, Proportion of the above attaching to the Salt Duty	73,229		
		10,353	
Madras:			
Collector of Sea Customs at the Presidency, Salaries, Establishment and Contingent Charges	10,767		
Establishments of various Revenue Collectorates, chargeable to the Customs Department	8,043		
		18,810	
Bombay:			
Proportion of the Salaries of the Commissioner and Deputy Commissioners of Customs, Salt and Opium, chargeable to the Customs Department, Establishment and Contingent Charges	29,790		
Establishment employed by the Government at Private Bunders	958		
£.	30,748		
Fees, Fines, Warehouse Rents and Receipts on account of Establishment employed at Private Bunders, &c., operating in reduction of the Charges of Collection	2,847		
£.	27,901		
Sind:			
Charges of Collection at Kurrachee, Hydrabad and Shikarpore	1,738		
		29,639	
Total Charges Collection of the Customs		£.	116,609
Carried forward		£.	1,680,328

No. 16.—General Abstract of Charges of Collection on Public Income of India, for Year ended 30 April 1856—*cont^d.*

	£.	£.	£.
Brought forward - - -		- - -	1,680,328
SALT.—Charges of Collection, including Cost of Salt:			
Bengal:	£.		
Proportion (one-eighth) of the Salaries of the Members of the Board of Revenue, chargeable to the Salt Department - - - - - -	1,813		
Proportion (one-eighth) of the Salaries of the Secretary and Junior Secretary of the Board, including Establishment and Contingent Charges of the Secretary's Office - - - - - - - - - - -	2,929		
Superintendent of the Golahs at Sulkea, Salaries, Establishments and Contingent Charges - - - - - - - - - - -	7,039		
Freight on Madras Salt stored at Sulkea - - - - - - -	26,713		
Salary of the Commissioner at Cuttack - - - - - - -	1,094		
Salt Agents; Salaries, Establishments and Contingent Charges - -	83,651		
Superintendent of the Salt Chokies - ditto - ditto - - -	32,022		
Law Charges, Repairs of Buildings, Service Pensions and Miscellaneous -	12,420		
£.	167,681		
£.			
Advances to Manufacturers of Bengal and Cuttack Salt - 136,983			
Purchase of Salt - - - - - - - - - - 23,504			
Convention with the French Government: Annual Compensation to that Government in lieu of Salt formerly supplied them - - - - - - 42,711			
	203,198		
£.	370,879		
Fees, Fines, Sale of Confiscated Salt, and Miscellaneous Receipts, operating in reduction of the Charges of Collection - - - - -	11,288		
		359,591	
NORTH WESTERN PROVINCES, including the Punjaub:			
North Western Provinces:			
Salary of the Commissioner - - - - - - - - - - -	174		
Salaries of the Uncovenanted Collectors, Establishments and Contingent Charges - - - - - - - - - - - - - -	82,932		
Service Pensions - - - - - - - - - - - - - -	476		
£.	83,582		
Deduct, Proportion attaching to Customs - - - - - - - -	10,353		
£.	73,229		
Punjaub:	£.		
Salaries of the Collectors - - - - - - - -	2,025		
Establishment - - - - - - - - -	18,580		
Contingencies - - - - - - - - -	316		
Excavating Salt Mines and Cost of Salt Works - -	4,231		
	25,152		
		98,381	
Madras:			
Establishments and Contingent Charges at the various Revenue Collectorates chargeable upon Sales of Salt - - - - - - -	29,085		
	£.		
Payments to Manufacturers - - - - - - - -	43,632		
Purchase of Salt - - - - - - - - -	14,283		
	57,915		
		87,000	
Bombay:			
Proportion of the Salaries of the Commissioner, Deputy Commissioners and Assistant Commissioners of Customs, Salt and Opium; Establishment and Contingent Charges chargeable upon the Duties levied on Salt	29,502		
Miscellaneous Receipts operating in reduction of the Charges of Collection	192		
		29,310	
Total Charges of the Collection of the Salt Revenue, including Cost of Salt - - £.			574,282
Carried forward - - - £.			2,254,610

No. 16.—General Abstract of Charges of Collection on Public Income of India, for Year ended 30 April 1856—*cont^d.*

	£.	£.	£.
Brought forward - - -		- - -	2,254,610
OPIUM.—Charges of Collection, including Cost of Opium:			
Bengal:	£.		
Proportion (one-fourth) of the Salaries of the Members of the Board of Revenue, chargeable to the Opium Department - - - - -	3,625		
Proportion (one-fourth) of the Salaries of the Secretary and Junior Secretary of the Board, including Establishment and Contingent Charges of the Secretary's Office - - - - - - - - - -	5,339		
Agents for the provision of Opium, Salaries, Establishments and Contingencies of the Agent and Sub-deputy Agents, including Commission to the Sub-deputy Agents, and to the principal Assistants and Omlahs:			
In Behar - - - - - - - - -	£. 52,400		
In Benares - - - - - - - - -	34,841		
	87,241		
Pensions - - - - - - - - - - - - -	760		
Advances to Manufacturers:			
In Behar - - - - - - - - -	724,488		
In Benares - - - - - - - - -	262,920		
	987,408		
Purchase of Poppy Leaves - - - - - - - - -	12,838		
Packing, Transit, Miscellaneous and Contingent Charges - - -	46,638		
		1,143,849	
Bombay:			
Proportion of Salaries of the Commissioner, Deputy Commissioners and Assistant Commissioners of Customs, Salt and Opium; Establishment and Contingent Charges chargeable to the Opium Department - -	5,826		
Purchase of Opium - - - - - - - - - -	7,597		
	13,423		
Sale of confiscated Opium and Miscellaneous Receipts, operating in reduction of the Charges of Collection - - - - - - -	398		
		13,025	
Total Charges of Collection of the Opium Revenue, including Cost of Opium - - £.			1,156,874
POST-OFFICE.—Charges of Collection:			
Bengal:	£.	£.	
Salaries of the Postmaster-general and Deputy Postmaster-general, Establishments and Contingent Charges at the Presidency - - - -	24,402		
Salaries of the Postmaster and Inspectors, Establishments and Contingent Charges in the Provinces - - - - - - - - - -	42,962		
Discount on Sale of Stamp Labels - - - - - -	558		
Service Pensions - - - - - - - - - - - -	683		
£.	68,605		
Fees on Registered Letters, Bullock Train Hire, and Miscellaneous Receipts operating in reduction of Charges - - - - - - - - -	7,769		
	60,836		
Burmese Territory.—Annexed Provinces of Pegu and Martaban:			
Salaries of Postmasters, Establishments and Contingent Charges - -	5,944		
Nagpore Territory:			
Establishment of the Post-office - - - - - - - - -	1,559		
Oude Territory:			
Establishment and Contingencies of the Post-office - - - - -	558		
		68,897	
Carried forward - - £.		68,897	3,411,484

No. 16.—General Abstract of Charges of Collection on Public Income of India, for Year ended 30 April 1856—*cont*[4].

	£.	£.
Brought forward - - -	68,897	3,411,484
Post-office.—Charges of Collection—*continued.*		
NORTH WESTERN PROVINCES, including the PUNJAUB:	£.	
North Western Provinces:		
Charges of the Office of the Postmaster-general, North Western Provinces	4,635	
Charges incurred by the Government of Bombay on account of the North Western Provinces, for conveying the Overland Mails - - -	1,215	
Salaries and Establishments of the various District Post-offices - -	33,390	
Mail Cart Charges, including Contracts - - - - - - -	26,211	
Discount allowed Purchasers of stamped Labels - - - - - -	545	
Mofussil Contingencies and Miscellaneous - - - - - -	1,970	
Pensions - - - - - - - - - - - - - -	154	
Profit on Passenger Traffic, operating in reduction of the Charges of the Post-office Department, Bullock Trains and Van and Palkee Carriage Department: £.	68,120	
Receipts - - - - - - - - - - 47,475		
Charges - - - - - - - - - - 21,090		
26,385		
£.	41,735	
Punjaub:		
£.		
Salaries and Establishments of the various District Post-offices 6,492		
Mail Cart Charges, including Contracts - - - - 5,128		
Discount allowed Purchasers of stamped Labels - - - 94		
Contingencies - - - - - - - - - - 918		
£. 12,632		
Profit on Passenger Traffic, operating in reduction of the Charges of the Post-office Department, Bullock Trains, Van and Palkee Carriage Department:		
£.		
Receipts - - - - - - - - 2,417		
Charges - - - - - - - - 1,408		
1,009		
	11,623	
		53,358
Madras:		
Salaries of the Postmaster-general and his subordinate Officers; Establishment and Contingent Charges at the Presidency - - - -	16,474	
Discount on Sale of Postage Labels - - - - - - - - -	474	
Salaries of the Inspectors and Deputy Postmasters at the subordinate Station, Establishments and Contingencies - - - - - -	27,237	
		44,185
Bombay:		
Salaries of the Postmaster-general and his Deputy, &c. - - - -	4,864	
Establishment - - - - - - - - - - -	20,536	
Contingencies - - - - - - - - - - -	6,524	
Discount on Postage Labels - - - - - - - - - -	380	
Mounted Dâk - - - - - - - - - - -	16,659	
£.	48,963	
Sind: £.		
Establishment and Contingencies - - - - - - 16,514		
Discount on Postage Labels - - - - - - - 36		
Bombay Steam Navigation Company, for conveying the Mails between Bombay and Kurrachee - - - - - - - 7,355		
Camel Train Charges (deducting 1,120 *l.* Camel Train Collections) - - - - - - - - - - - 1,807		
	25,712	
		74,675
TOTAL CHARGES of the COLLECTION of the POST-OFFICE REVENUE - - - £.		241,115
Carried forward - - - £.		3,652,599

No. 16.—General Abstract of Charges of Collection on Public Income of India, for Year ended 30 April 1856—*cont^d.*

	£.	£.	£.
Brought forward			3,652,599
STAMPS.—Charges of Collection:			
Bengal:	£.		
Salary of the Superintendent of Stamps, Establishment at the Stamp-office at the Presidency, and Contingent Charges	4,822		
Collector of Calcutta Stamps, Salary, Establishment and Contingent Charges	1,134		
Establishments under the Collectors in the Provinces, including Contingent Charges	340		
Discount on Sale of Stamps	5,876		
Cost of Water-marked Paper	4,308		
	16,480		
Fines, Forfeitures and Miscellaneous Receipts operating in reduction of the Charges of Collection	2,996		
	13,484		
Portion of the Expenses chargeable to the North Western Provinces and Punjaub	2,166		
		11,318	
NORTH WESTERN PROVINCES and the Punjaub:			
North Western Provinces:	£.		
Establishment under Revenue Collectors	82		
Commission to Vendors	4,160		
Proportion of the Establishment at the Presidency, chargeable to the North Western Provinces	1,928		
Cost of Water-marked Paper	3,328		
Miscellaneous and Contingent Charges	557		
	10,055		
Fines and Penalties operating in reduction of the Charges of Collection	855		
		9,200	
Punjaub:			
Commission to Vendors	452		
Proportion of the Establishment at the Presidency, chargeable to the Punjaub	231		
Cost of Water-marked Paper	400		
Contingent Charges	45		
		1,128	
			10,328
Madras:			
Commission of the Superintendent		1,303	
Establishment and Contingent Charges		4,505	
Purchase of Paper		299	
			6,107
Bombay:			
Establishment and Contingent Charges		2,999	
Sattara:			
Establishment and Contingent Charges		206	
			3,205
Total Charges of the Collection of the Stamp Duties		£.	30,958
Carried forward		£.	3,683,557

No. 16.—General Abstract of Charges of Collection on Public Income of India, for Year ended 30 April 1856—*cont*

	£.	£.
Brought forward - - -	- - -	3,683,557
EASTERN SETTLEMENTS:		
CHARGES of COLLECTION of the REVENUES:		
Prince of Wales Island:	£.	
Collector's and Surveyor's Establishments at Penang and Province Wellesley, rent of Market-place, and various Contingent Charges - -	903	
Post-office; Establishment and Contingent Charges - - - - -	533	
		1,436
Singapore:		
Surveyor's Establishment, and Establishment of the Land Office and various Contingent Charges - - - - - - - - -	1,113	
Post-office; Establishment and Contingent Charges - - - -	1,134	
		2,247
Malacca:		
Land Office; Establishment, and Contingent Charges - - - -	346	
Post-office; Sundry Charges - - - - - - - - -	3	
		349
TOTAL CHARGES of COLLECTION of the REVENUES of the EASTERN SETTLEMENTS - - £.		4,032
District of Coorg:		
Establishment and Contingent Charges at the Treasury and various Talooks - - - - -		2,730
TOTAL CHARGES of COLLECTION of the REVENUES, including Cost of SALT and OPIUM - - £.		3,690,319

No. 17.—GENERAL ABSTRACT ACCOUNT of PAYMENTS, other than CHARGES of COLLECTION, chargeable against the following Heads of Revenue, for the Year ended 30th April 1856.

	£.	£.
LAND, SAYER, ABKARRY, &c. REVENUES:		
BENGAL:		
Revenue Surveys - - - - - - - - - - - - - -	42,158	
Compensation for loss of Settlement - - - - - - - - - - -	244	
Purchase of Lands - - - - - - - - - - - - - -	80	
Repairs of Irrigation Works, including proportion of Salaries, Establishment and Contingencies of Officers in the Public Works Department - - - - - - -	108,991	
	151,473	
Less,—Received from the Rajah of Burdwan on account of Embankments -	5,374	
	146,099	
BURMESE TERRITORY, including the annexed Provinces of PEGU and MARTABAN:		
Burmese Cessions:	£.	
Revenue Surveys - - - - - - - - - - - - -	1,478	
Allowance to Hill Chiefs for resumption of Doars - - - - - -	994	
Black Mail paid to Hill Tribes - - - - - - - - - -	538	
Purchase of Lands - - - - - - - - - - - -	47	
	3,057	
Pegu and Martaban:		
Revenue Surveys, &c. - - - - - - - - - - - -	168	
	3,225	
		149,324
Carried forward - - - £.		149,324

No. 17.—General Abstract of Payments, other than Charges of Collection, &c., Year ended 30 April 1856—*cont^d.*

	£.	£.
Brought forward		149,324
Land, Sayer, Abkarry, &c. Revenues—*continued.*		
NORTH WESTERN PROVINCES, including the PUNJAUB:		
North Western Provinces:	£.	
Revenue Surveys	20,288	
Salaries, Establishments and Contingencies of the Director of Canals and his Executive, including Repairs in that Department	66,908	
Endowed Public Gardens	1,176	
Payment to Heir and Creditors of the late Rajah of Rusdhar	10,571	
		98,943
Punjaub:		
Revenue Surveys	11,605	
Salaries, Establishments and Contingencies of the Director of Canals and his Executive, including Repairs in that Department	27,568	
		39,173
		138,116
Madras:		
Repairs of Irrigation Canals, Tanks, Annicuts, Embankments, &c., including proportion of Salaries, Establishments and Contingencies of Officers in the Public Works Department		197,660
Sundry Charges for Batta incurred in the Military on account of the Revenue Department		2,717
Charges on account of the Agricultural Exhibitions of 1856		2,074
Plantations		383
		202,834
Bombay:		
Revenue Surveys		57,930
Charges incurred in the Military on account of the Revenue Department		275
Charges on account of the Forest Department		14,150
Charges of the Commission for investigating Claims to Enams and Transit and Town Duties		5,913
Salary of the Enam Commissioner		5,383
		83,651
Sind:	£.	
Revenue Surveys	2,803	
Forest Department; Establishment and Contingent Charges	3,000	
Charges on account of the Jagheer Commission at Hyderabad	306	
Repairs of Irrigation Works, Embankments, &c., including proportion of Salaries, Establishments and Contingencies of Officers in the Public Works Department	17,178	
		23,287
Sattara:		
Revenue Surveys	6,073	
Special Commission	3,711	
		9,784
		116,722
		606,996
District of Coorg:		
Salary, Establishment and Contingent Charges of the Superintendent in Coorg		5,842
Registrar of the Supreme Court:		
Payments to the Administrator-General on account of Claimants for Net Proceeds of Estates administered to by the late Registrar of the Supreme Court		4,940
	£.	617,778

No. 18.—GENERAL ABSTRACT ACCOUNT of the ALLOWANCES and ASSIGNMENTS paid out of the REVENUES, in accordance with Treaties or other Engagements, in the Year ended the 30th April 1856.

	£.	£.	£.
BENGAL:			
STIPENDS and ALLOWANCES of the NIZAMUT:	£.		
His Highness the Newab Nazim's Personal Allowance	68,677		
Her Highness Ameroon Nissa Begum	10,918		
Her Highness Munnee Begum	14,107		
Nujeeboon Nissa Begum	8,284		
Rajmehal Family	5,785		
Syed Azimally Khan	4,751		
Rassoo Nissa Begum (Widow of Humayoon Jah)	5,880		
Syed Suffdar Ally	2,299		
Syed Jaffer Ally	2,100		
Syed Ahmed Reza Khan (minor)	2,057		
Allowances to various Chiefs, their Families and Dependents, exceeding 5,000 rupees, and not exceeding 20,000 rupees per annum each	10,732		
Allowances to various Chiefs, their Families and Dependents, not exceeding 5,000 rupees per annum each	17,069		
		152,659	
PENSIONS and CHARITABLE ALLOWANCES:			
Rajah Bhoop Sing (Grandson of Rajah Kielyan Sing)	2,590		
Aga Mahomed Ismail Khan (Son of Hajee Khalil Khan)	2,437		
Pensions exceeding 5,000 rupees, and not exceeding 20,000 rupees per annum each	17,816		
Pensions not exceeding 5,000 rupees per annum each	24,280		
		47,123	
SAYER COMPENSATIONS:			
Compensations exceeding 5,000 rupees per annum each	2,820		
Ditto not exceeding 5,000 rupees per annum each	4,225		
		7,045	
Compensation to the Rajah of Dhar, on account of Pergunnah Bairseah		9,214	
	£.	216,041	
District of Coorg:			
Ex-Rajah of Coorg and his Family		7,000	
Nagpore Territory:	£.		
Allowance to the Ghond Rajah	16,377		
Charitable and other Allowances	78,071		
		94,448	
EASTERN SETTLEMENTS:			
Prince of Wales Island:	£.		
Political Pensions	1,625		
Singapore:			
Political Pensions	1,733		
Malacca:			
Annuities chargeable on Lands	1,851		
		5,209	
TOTAL BENGAL, including the EASTERN SETTLEMENTS, &c.		£.	322,698
Carried forward		£.	322,698

No. 18.—General Abstract Account of the Allowances, &c. out of the Revenues, in Year ended 30 April 1856—*cont^d.*

		£.	£.
Brought forward			322,698
Territorial and Political Pensions:			
North Western Provinces:			
Members of the Royal Family residing at Delhi:	£.		
Stipend of his Majesty the King of Delhi	89,100		
Allowance to his Majesty in lieu of Land	3,375		
Ditto - - ditto - - being part of the Stipend of the Heir Apparent	2,250		
Ditto - - in lieu of Nuzzeranah, prohibited	1,051		
	95,776		
Stipend of Mirza Mahomed Sooltan Futtehool Moolk, Heir Apparent	4,407		
Members of the Royal Family	11,796		
	111,979		
Members of the Royal Family residing at Furruckabad	415		
Ditto - - - - - - - at Benares	18,594		
	130,988		
Ally Bahadoor, Son of the late Newab Zoolficar Allee Khan Bahadoor of Banda	37,500		
Ishreepersaud Narain Sing, Rajah of Benares	9,375		
Tuzomul Hossein Khan, Newab, Raes of Furruckabad	18,926		
Descendants of the late Rajah Anoop Geer Himmut	2,245		
Heirs of the late Koonwar Kanchun Geer, Minister of the above Rajah Anoop Geer	1,997		
Bulwunt Sing, Son of Chet Sing, the deposed Rajah of Benares	2,250		
Hyder Allee Khan	3,291		
Moha Raja Benaick Rao	17,288		
Moha Raja Hurree Rao Holkar, being the net Collections of Bheema Bais, Pergunnah Koonch	18,995		
Her Highness Baiza Bai, in lieu of Pergunnahs Shergurh and Koosee, of Muttra District	18,750		
Wuzeer Mahomed Khan, Newab of Tonk, in lieu of Pergunnah Pulwal, in the Delhi Territory	14,062		
Descendants of the late Hafiz Ruhmut Khan, Rohilla Chief	4,193		
Sons of the late Benaick Rao, Chief Minister of the former Government of Saugor	2,948		
Pension of Luchmee Bai, Widow of the late Rajah of Thanoie (17 months)	7,969		
Ranee of the late Raja Pincheet	2,062		
Allowances to Families, of 5,000 rupees, and not exceeding 20,000 rupees per annum	8,667		
Allowances to Families, under 5,000 rupees each	21,121		
Pensions under 5,000 rupees per annum, granted on the resumption of Maaffee Tenures	10,565		
		333,192	
Cis and Trans-Sutlej States:			
Hammeenooddowlah Khan	258		
Rajah Juswunt Sing	816		
Pensions under 5,000 rupees per annum, granted on the resumption of Maaffee Tenures	15,322		
Political Pensions under 5,000 rupees per annum	3,145		
		19,541	
Pensions and Charitable Allowances:			
North Western Provinces:			
Pensions in lieu of a Jagheer, and on the resumption of Pergunnah Pulwal, and for important Services	7,903		
Charitable Allowances, under 5,000 rupees per annum	6,093		
	13,996		
Cis and Trans-Sutlej States:	£.		
Rajah Nehal Sing	1,125		
Ranee Mahtal Kooar	1,706		
Pensions granted for important Services, &c.	75		
Charitable Allowances, under 5,000 rupees per annum	1,342		
	4,248		
		18,244	
Carried forward £.		370,977	322,698

No. 18.—General Abstract Account of the Allowances, &c. out of the Revenues, in Year ended 30 April 1856—*cont^d.*

		£.	£.
Brought forward - - -		370,977	322,698
SAYER COMPENSATIONS:			
North Western Provinces:	£.		
Allowances to Rajahs, Proprietors of Villages, in lieu of Abkaree, Sayer Customs and Transit Duties, abolished - - - - - - - -	6,671		
Bahadoor Jhung Khan Newab, in lieu of his Jagheer, Kusba Bewarree - - - - - - - - - - - - - -	187		
	6,858		
Cis and Trans-Sutlej States:			
Allowances to Rajahs, in lieu of Customs and Transit Duties, abolished -	2,875		
		9,733	
PUNJAUB AND TRANS-INDUS TERRITORY:		380,710	
TERRITORIAL and POLITICAL PENSIONS:			
Stipend of his Highness Maharajah Dulleep Sing - - - - - -	1,125		
Stipend of Ranees of deceased Maharajahs, including Allowances to Dependents and Adherents - - - - - - - - - - - -	13,020		
Pension of Sirdar Deva Sing - - - - - - - - - - - -	675		
Pension of Rajah Lall Sing - - - - - - - - - - - -	1,500		
Pension of Mungul Sein, a principal Jagheerdar, on resumption of his rent-free tenures - - - - - - - - - - - - - -	1,125		
Pensions under 5,000 rupees per annum, on the resumption of Maaffee Tenures - - - - - - - - - - - - - -	30,753		
Other pensions under 5,000 rupees per annum - - - - - -	24,713		
	72,911		
PENSIONS and CHARITABLE ALLOWANCES:	£.		
Pension of Ujodiapersaud (for 18 months) - - - -	1,406		
Pension of Imamooddeen Khan „ - - - - -	2,175		
Pension of Bhai Nedha Sing „ - - - - -	1,125		
Pension of Kulliaram - - „ - - - - -	324		
Gratuity in lieu of Pension - - - - - - -	124		
Pensions paid to several individuals for important services in the Punjaub and Trans-Indus Territory, &c. - -	6,604		
Charitable Allowances, under 5,000 rupees per annum -	18,923		
	30,681		
Sayer Compensation - - - - - - - - - - - -	1,536		
		105,128	
TOTAL NORTH WESTERN PROVINCES, including the annexed Territory - - £.			485,838
MADRAS:			
Carnatic:	£.	£.	
Payments to his Highness the Newab of the Carnatic, on account of his one-fifth share of the Revenues - - - - - - - - - -	82,973		
Pensions to the Families and Dependents of the late Newabs, &c. - -	30,414		
		113,387	
Tanjore:			
Payment to his Highness the Rajah of Tanjore, on account of his Annual Allowance and share of the Tanjore Revenues - - - - - -	76,995		
Allowance to the Family of the late Rajah Ameer Sing - - - -	3,417		
		80,412	
Masulipatam:			
Stipends to the late Newab of Masulipatam and Family - - - - - -		4,207	
Ceded Districts:			
Stipends and extra Allowances to the Families of the late Hyder Ally Khan and Tippoo Sultan - - - - - - - - - - - - - - - - - -		18,756	
COMPENSATIONS, PENSIONS and CHARITABLE ALLOWANCES:	£.		
Compensation in lieu of resumed Lands, Offices and Privileges - -	49,322		
Pensions and Charitable Allowances - - - - - - - - -	9,739		
		59,061	
Malikana, or share of the Revenues of Malabar enjoyed by Native Princes - - -		25,845	
TOTAL MADRAS - - - £.			301,668
Carried forward - - - £.			1,110,204

No. 18.—General Abstract Account of the Allowances, &c. out of the Revenues, in Year ended 30 April 1856—*cont^d.*

		£.	£.
	Brought forward		1,110,204
Bombay:			
Pensions to the family of the late Newab of Bednore		1,687	
Pensions to the Retinue of the late Ex-Paishwa		408	
Pensions to the Family and Dependents of the late Newab of Surat		8,750	
Pensions to Jyagee Rao Sinday (Collectorate of Ahmednugger)		16,740	
Pensions to Tookajee Rao Holkar ditto		1,312	
Pensions to Ragoonath Rao Vittul Vinckoorkur ditto		4,544	
Various Pensions and Allowances of 5,000 rupees and under 10,000 rupees per annum each		6,991	
Pensions not exceeding 5,000 rupees per annum each		28,294	
	£.	68,726	
Sind:			
Allowances to the Ex-Ameers, and others		41,584	
Sattara:	£.		
Their Highnesses the three Ranees	7,031		
Ex-Rajah's Family	2,812		
Purtabrao Goozur	1,125		
Bulwunt Rao Bhoslay	675		
Other Pensions under rupees 5,000 per annum each	12,341		
		23,984	
TOTAL BOMBAY, including SIND and SATTARA		£.	134,294
		£.	1,244,498

No. 19.—GENERAL ABSTRACT ACCOUNT of the AMOUNT set apart in the Year 1855–56, on Account of the SINKING FUND for the Redemption of the Bonds issued to the Creditors of the late Rajah of Tanjore, with the Interest thereon, payable out of the TANJORE REVENUES.

	£.
Amount set apart from the Tanjore Revenues on the 31st July 1855, agreeably to the 10th clause of the Articles of Agreement between the East India Company and the Creditors of the late Ameer Sing, formerly Rajah of Tanjore, dated the 11th of February 1824, being five per cent. on the sum of Star Pagodas 16,06,796. 24. 64½., equivalent to Company's rupees 56,23,788, the aggregate amount of the Tanjore Debt awarded by the Commissioners in England, according to their final Report, dated the 29th July 1840: Company's rupees 2,81,189	26,362
Interest, at the rate of four per cent. per annum, on the Bonds issued for admitted Claims on the Tanjore country, agreeably to the first Clause of the Articles of Agreement above referred to	21,427
£.	47,789

No. 20.—GENERAL ABSTRACT ACCOUNT of the ALLOWANCES to District and Village Officers and Enamdars, including CHARITABLE GRANTS, for the Year ended the 30th April 1856.

		£.	£.
MADRAS:			
Payments at the several Collectorates, in lieu of resumed Lands, Privileges and Offices, including Charitable Grants			86,035
BOMBAY:			
Enamdars		295,457	
Allowances to Zemindars, Muzmoodars, Dessaes, and other District and Village Officers, including Charitable Grants		481,095	
Compensation to Enamdars and Huckdars, in lieu of their Huck Allowances		45,095	
		821,647	
SIND:	£.		
Enamdars	21,912		
Compensation Allowances to Enamdars, &c., in lieu of certain Cesses abolished	477		
		22,389	
SATTARA:			
Enamdars	6,482		
Allowances to Zemindars, Muzmoodars, Dessaes, and other District and Village Officers, including Charitable Grants	127,813		
		134,295	
			978,331
		£.	1,064,366

No. 21.—GENERAL ABSTRACT ACCOUNT of the Charges of the Civil and Political Establishments of INDIA, including Contingent Charges, for the Year ended the 30th April 1856.

	£.	£.	£.
BENGAL:			
Charges on Account of the General Government of India:			
Salaries of the Governor-General and Members of the Supreme Council		59,227	
Legislative Council; Salaries of the Members, Clerk and Assistant, Establishment and Contingencies		25,993	
Secretariat; Foreign, Home, Financial, Military and Public Works Departments		77,662	
Loan Office, and Promissory Note Press		3,972	
Governor-general's Office and Establishment		19,886	
Governor-General's Tour		8,774	
Presents made in the name of the Governor-general, and Allowances to Vakeels, Natives of Rank, &c.		18,337	
Residents, Political Agents, &c. at Foreign Courts, Salaries, Allowances, Establishments and Contingencies		67,254	
Political Agent at Aden; Salaries, Establishment and Contingent Charges	7,726		
Repairs of Buildings at Aden, and proportion of Salaries, &c. of Officers in the Public Works Department	3,514		
		11,240	
Temporary Embassies and Missions		1,823	
Survey and Observatories, including Charges on account of the great Trigonometrical Survey		49,865	
Electric Telegraphs in India; Salaries, Establishments and Contingencies		30,304	
Director-general of the Post-offices in India; Salary, Establishment and Contingencies		3,901	
Suppression of Thuggee and Meriah Sacrifices		26,666	
Compensation to Tuckojee Rao Holkar, on account Pergunna Kissory Paton		2,764	
Compensation to Scindia, on account of Rent of Pergunna Onarsee		1,886	
Payment to the Khan of Khelat		4,687	
Charges on account of Vessels of the Indian Navy employed on the Euphrates		5,257	
Compensation for Loss of Transit Duties in the Districts ceded by the Gwalior Durbar		7,534	
Miscellaneous Charges		23,054	
			450,086
Charges on Account of the Government of Bengal:			
Salaries of the Lieutenant-Governor, Private Secretary and Aide-de-Camp; Establishment and Contingencies		12,966	
Charges of the Lieutenant-governor's Tour		9,470	
Public Offices at the Presidency; comprising the Bengal Secretariat, General Treasury, Offices of Account and Audit, Government Agency, Government Savings Bank, Superintendent of Stationery, and Printing Establishment		88,628	
Allowances to Civil Servants out of employ, and to Junior Civil Servants attached to the College		12,402	
Public Works Department:			
Salaries, Establishments and Contingencies of the Chief and Superintending Engineers	18,693		
Proportion of Salaries, Establishments and Contingencies of Executive Officers	35,323		
Repairs of Roads, Bridges, Buildings, &c.	64,876		
		118,892	
Railway Commissioner: Salaries, Establishments and Contingencies of the Railway Commissioner and Consulting Engineer		9,667	
Carried forward £.		252,025	450,086

No. 21.—General Abstract Account of Charges of the Establishments of India, for Year ended 30 April 1856—*cont^d.*

	£.	£.
Brought forward - - -	252,025	450,086
CHARGES on Account of the Government of Bengal—*continued.*		
Ecclesiastical Department; Cathedral and Church Establishments and Contingencies, including Salaries of the Bishop, Archdeacon, Chaplains, &c. - - - - - -	31,644	
Medical Department; including Hospitals and Dispensaries at the Presidency and in the Provinces - - - - - - - - - - - - - - - -	38,512	
Secretary to the Board of Examiners; Salary, Establishment and Contingencies - -	2,730	
Education Department:		
Salaries, Establishments and Contingent Charges of Schools and Colleges - - - - - - - - - - - - - -	£. 63,759	
Salaries, Establishments and Contingent Charges of the Medical College - - - - - - - - - - - - - -	12,934	
£.	76,693	
Less,—Receipts for Tuition Fees, Sale of Books, &c. - -	12,956	
	63,737	
House Rent and Taxes - - - - - - - - - - - - - - -	5,165	
Donations to Service Funds - - - - - - - - - - - - -	55,747	
Donations to Charitable, Literary, Scientific and other Institutions - - - - -	4,910	
Petty Establishments and Contingencies - - - - - - - - - - -	13,836	
Stationery purchased - - - - - - - - - - - - - - -	24,066	
	£.	
Provincial Battalions and Nujeebs, including the Calcutta Native Militia	134,364	
Less,—Contributions from Native States on account of Contingents	75,555	
	58,809	
Pensions and Charitable Allowances - - - - - - - - - - - - -	10,394	
£.	561,575	
Deduct,—Value of Water-marked Paper supplied to the Stamp Offices in Bengal, the North Western Provinces and the Punjaub - - - - - - - - -	£. 12,480	
Received for Stationery Stores sold - - - -	8,763	
Gain on Remittances, Premium on Bills, and other Receipts operating in reduction of Charges - -	5,562	
	26,805	
		534,770
ANNEXED PROVINCES of PEGU and MARTABAN:		
Local Commissioners in Pegu, and in the Tenasserim and Martaban Provinces; proportion (one-third) of their Salaries, Establishments and Contingent Charges, the remaining two-thirds being charged to the Revenue and Judicial Departments -	2,162	
Assay Master at Pegu; Deputation Allowance, Office Establishment and Contingent Charges - - - - - - - - - - - - - -	807	
Establishment and Contingencies of the Accountant's Office - - - - - -	809	
Ecclesiastical Department, Church - - - - - - - - - - - -	1,489	
Medical Department, Dispensaries, &c. - - - - - - - - - - -	193	
Topographical Survey of Pegu - - - - - - - - - - - -	5,155	
Repairs of Roads, Bridges, &c., including Salaries, Establishment and Contingencies of Officers in the Public Works Department - - - - - - - - - - -	32,997	
Miscellaneous Civil Charges - - - - - - - - - - - - -	3,045	
		46,657
Carried forward - - - £.		1,031,513

No. 21.—General Abstract Account of Charges of the Establishments of India, for Year ended 30 April 1856—*cont^d.*

	£.	£.	£.
Brought forward - - -		- - -	1,031,513
CHARGES on Account of the Government of Bengal—*continued.*			
Nagpore Territory:			
	£.		
Salary, Establishment and Contingencies of the Nagpore Commissioner -	7,978		
Charges on account of the City Hospitals, Poor-house, &c. - - -	934		
Umberkhana Establishment and Contingencies - - - - - -	2,134		
Repairs of Public Buildings, including proportion of Salaries, Establishments and Contingencies of Officers in the Public Works Department	2,256		
Loss by Exchange on Conversion between Company's and Nagpore Rupees, at various Rates - - - - - - - - - - -	12,538		
Charges not specified in the Statements at present received from India -	33,396		
Loss on Re-coinage, and Miscellaneous Losses - - - - - -	4,147		
		63,383	
Oude Territory:			
	£.		
Chief Commissioner, Lucknow; Salary, Establishment and Contingent Charges - - - - - - - - - - - - - -	3,141		
Repairs of Buildings and Miscellaneous - - - - - - -	512		
		3,653	
			67,036
TOTAL BENGAL, including PEGU and MARTABAN, NAGPORE and OUDE TERRITORIES - - - £.			1,098,549
NORTH WESTERN PROVINCES, including the CIS and TRANS-SUTLEJ STATES:			
North Western Provinces:			
Salary of the Lieutenant-governor, and Establishment and Expenses of his Household -		10,613	
Charges of the Political Agencies, under the Lieutenant-governor - - - - -		2,682	
Tour of the Lieutenant-governor - - - - - - - - - - -		7,239	
Public Offices; comprising the Secretariat, Accountant's Office, Civil Auditor's Office, Oordoo Translator, Assay Office and Bullion Depôt - - - - - - - -		44,359	
Ecclesiastical Establishment - - - - - - - - - - - - -		18,240	
	£.		
Botanical Gardens, and Tea Nurseries and Plantations - - - -	9,319		
Deduct,—Realized by Sale of Tea - - - - - - - - -	2,139		
		7,180	
Grants for General and Special Educational Purposes, and Donations to Village Schools, deducting 7,665 *l.* received for Interest on invested Funds, Tuition Fees, &c. - -		28,532	
Grants to Native Hospitals and Dispensaries - - - - - - - - - -		13,029	
Repairs of Roads, Bridges, Canals, Public Buildings, &c., including proportion of Salaries, Establishments and Contingencies of Officers in Public Works Department -		35,674	
Civil Engineer's College at Roorkee - - - - - - - - - - -		7,632	
Presents made in the name of the Government - - - - - - - - -		203	
Printing Charges and Purchase of Books - - - - - - - - - -		4,497	
Postage on Service Letters - - - - - - - - - - - - -		9,448	
	£.		
Provincial Battalions - - - - - - - - - - - -	54,500		
Less,—Amount received as Compensation for Services rendered to Foreign States by Corps in British Pay - - - - - - -	28,500		
		26,000	
Miscellaneous - - - - - - - - - - - - - - - -		17,522	
Carried forward - - - £.		232,850	1,098,549

No. 21.—General Abstract Account of Charges of the Establishments of India, for Year ended 30 April 1856—*cont^d.*

	£.	£.
Brought forward - - -	232,850	1,098,549
NORTH WESTERN PROVINCES, including the CIS and TRANS-SUTLEJ STATES—*continued.*		
Punjaub and Trans-Indus Territory:	£.	
Salaries of the Chief Commissioner in the Punjaub, his Secretary and Military Secretary; Establishments and Contingent Charges - -	17,057	
Deputation Allowance to the Officiating Military Secretary to the late Board of Administration - - - - - - - - - -	160	
Public Offices; Accountants, Civil Auditor and Civil Pension Paymaster	5,304	
Postage on Service Letters - - - - - - - - - -	2,014	
Ecclesiastical Establishments - - - - - - - - -	6,109	
Repairs to Roads, Bridges, Canals and Public Buildings, including proportion of Salaries, Establishments and Contingencies of Officers in the Public Works Department - - - - - - - - -	38,243	
Presents made in the name of the Government - - - - -	5,224	
Charges on account of State Prisoners - - - - - - - -	2,449	
Punjaub Geological Survey - - - - - - - - - -	674	
Public Instruction (Miscellaneous Charges) - - - - - -	411	
Printing Charges, including purchase of Books - - - - -	63	
Lunatic Asylum and Dispensary Charges - - - - - -	4,590	
Tea Nurseries and Plantations - - - - - - - - -	1,197	
Miscellaneous (including 10,108 *l.* Discount on Bills) - - - -	21,505	
	105,000	
TOTAL NORTH WESTERN PROVINCES, including the PUNJAUB and TRANS-INDUS TERRITORY - - - - - - - £.		337,850
MADRAS:	£.	
Salaries of the Governor and Members of Council - - - - - - - -	22,988	
Governor's Office, and Establishment, &c. - - - - - - - - - -	7,825	
Tour of the Right Honourable the Governor - - - - - - - - -	915	
Public Offices; comprising the Secretariat, General Treasury, Offices of Account, Audit, &c. - - - - - - - - - - - - - - - -	62,084	
Allowances to Civil Servants out of employ, and to Junior Civil Servants qualifying for Public Service - - - - - - - - - - - - - - - -	4,640	
Residents and Agents at Travancore, Tanjore, Pondicherry, &c.; Allowances, Establishments and Contingent Charges - - - - - - - - - - -	5,466	
Ecclesiastical Department; Church Establishment, including Salaries of the Bishop, Archdeacon, Chaplains, &c. - - - - - - - - - - - - -	33,276	
Civil Hospitals and Vaccine Establishments at the Presidency and in the Provinces -	15,245	
Public Observatory - - - - - - - - - - - - - - - -	1,347	
Establishment of Civil Surveys - - - - - - - - - - - -	272	
Board of Examiners; Salary of the Secretary to the Board, Office Establishment, Moonshee Allowance, &c., including Cost of Books - - - - - - -	1,89 9	
Public Instruction; Office of the Director of Public Instruction, Salary, Establishment and Contingencies of the Principal of the Presidency College, Medical College, Provincial and Vernacular Schools, &c. (deducting 1,691 *l.* received for Tuition Fees and Sale of Books) - - - - - - - - - - - - - - -	25,381	
House Rent and Taxes - - - - - - - - - - - - - -	3,190	
Repairs of Roads, Ghauts, Bridges, &c., including proportion of Salaries, Establishments and Contingencies of Officers in the Department of Public Works - - - - -	116,033	
Donations to Service Funds - - - - - - - - - - - - -	98,177	
Donations to Public and Charitable Institutions - - - - - - - - - -	3,153	
Pensions and Charitable Allowances - - - - - - - - - - -	11,347	
Batta to Officers of Her Majesty's Squadron - - - - - - - - - -	4,497	
Charges connected with Travellers' Bungalows and Native Choultries in several Districts	2,409	
Allowances to Military Officers employed in the Civil Department, and Value of various Articles supplied by the Commissary-general for Service in that Department - -	7,290	
Postage on Official Letters and Packages - - - - - - - - - - -	6,178	
Miscellaneous - - - - - - - - - - - - - - - -	10,826	
TOTAL MADRAS PRESIDENCY - - - £.		444,438
BOMBAY:	£.	
Salaries of the Governor and Members of Council - - - - - - - -	23,900	
Governor's Office, and Establishment, &c. - - - - - - - - - -	7,325	
Governor's Tour in the Deccan - - - - - - - - - - -	845	
Residents and Political Agents at Foreign Courts - - - - - - - -	9,963	
Public Offices at the Presidency; comprising the Secretariat, General Treasury, Offices of Account and Audit, Savings Bank, &c. - - - - - - - - - -	62,379	
Allowances to Civil Servants temporarily employed, and to Junior Civil Servants while qualifying for employment in Public Offices - - - - - - - - - -	2,648	
Carried forward - - -	107,060	1,880,837

No. 21.—General AbstractAccount of Charges of the Establishments of India, for Year ended 30 April 1856—*cont^d.*

	£.	£.
Brought forward - - -	107,060	1,880,837
BOMBAY—*continued.*		
Charges on account of the Grand Trigonometrical Survey - - - - - -	2,161	
Printing Charges - - - - - - - - - - - - - -	7,990	
Stationery purchased - - - - - - - - - - - - -	3,137	
Medical Department; including Hospitals, Dispensaries, and Medical College - -	16,636	
House Rent and Taxes, including Contribution to the Municipal Fund - - -	2,628	
Repairs to Public Buildings, Roads, Tanks, Bridges, &c., including portion of Salaries, Establishments and Contingencies of Officers in the Public Works Department -	53,182	
Ecclesiastical Establishments - - - - - - - - - - - -	27,635	
Botanical Garden at Daporee - - - - - - - - - - - -	1,933	
Donations to Service Funds - - - - - - - - - - - -	47,383	
Grants for Educational purposes (deducting £. 1,812 received for sale of Books, Tuition, Fees, &c.) - - - - - - - - - - - - - - -	22,076	
Donation to Charitable Societies and to Charitable Institutions - - - - -	1,200	
Pension and Charitable Allowances - - - - - - - - - - -	33,300	
Miscellaneous - - - - - - - - - - - - - - -	21,907	
	348,228	
Sind:	£.	
Salary of the Commissioner and Assistant Commissioner of the Province of Sind, including Establishment and Contingent Charges - - -	12,033	
Ecclesiastical Department; Salary and Establishment - - - - -	2,162	
Medical Department; Salaries, Hospital, Charges, &c. - - - -	3,153	
Repairs to Roads, Tanks, Buildings, &c., including Salaries, Establishments and Contingencies of Officers in the Public Works Department -	8,093	
Education Charges - - - - - - - - - - - -	1,135	
Pensions - - - - - - - - - - - - - -	306	
Miscellaneous - - - - - - - - - - - - - -	2,988	
	29,870	
Sattara:	£.	
Collector's Establishment in the Political Department - - - -	704	
Miscellaneous Charges on account of the late Rajah's Establishment -	290	
Medical and Hospital Department - - - - - - - - -	925	
Ecclesiastical Establishments - - - - - - - - - -	621	
Education Charges - - - - - - - - - - - -	532	
Repairs to Roads, Tanks, Bridges, &c., including Salaries, Establishments and Contingencies of Officers in the Public Works Department	7,373	
Pensions - - - - - - - - - - - - - -	150	
Miscellaneous - - - - - - - - - - - - - -	6,732	
	17,327	
TOTAL BOMBAY PRESIDENCY - - - £.		395,425
TOTAL CHARGES in INDIA - - - £.		2,276,262
Stores from England (No. 34.):	£.	
Stationery - - - - - - - - - - - - -	45,576	
Miscellaneous Civil Stores - - - - - - - - - -	7,559	
		53,135
TOTAL, including STORES from ENGLAND - - - £.		2,329,397

No. 22.—GENERAL ABSTRACT ACCOUNT of the Judicial and Police Charges of INDIA (including Contingent Charges), for the Year ended the 30th April 1856.

			£.
BENGAL:			
Supreme Court, and the other Local Courts within its Jurisdiction:			
Supreme Court of Judicature; Salaries of the Chief Justice and Puisne Judges, Officers and Establishments under the Supreme Court, including Salaries and Establishments of the Company's Law Officers and Contingent Charges	£. 59,914		
Coroner's Office; Salary, Establishment and Contingent Charges	580		
Justices of the Peace; Salaries of the Chief Magistrate and Justices Establishment and Contingent Charges	36,850		
Court of Small Causes; Salaries of the Judges, Establishment and Contingent Charges	10,181		
Pensions	495		
	108,020		
Sudder, Provincial and Zillah Courts, including Provincial Police:			
Sudder, Dewanny and Nizamut Adawlut; Salaries of the Judges and Registrar, Establishment and Contingent Charges	£. 43,162		
Provincial, City and District Courts	380,206		
Provincial Police	99,437		
Pensions	7,221		
	530,026		
		638,046	
Burmese Territory, including the annexed Provinces of Pegu and Martaban:			
Burmese Cessions:			
Local Commissioners; Moiety of their Salaries, Establishments and Contingent Charges, chargeable to the Judicial Department	£. 3,489		
Civil and Criminal Courts; Salaries, Establishments and Contingent Charges	55,370		
Police	17,953		
Pensions	309		
	77,121		
Annexed Provinces of Pegu and Martaban:			
Local Commissioners at Pegu and Tenasserim and Martaban Provinces; proportion (one-third) of their Salaries, Establishments and Contingent Charges, chargeable to the Judicial Department	£. 2,115		
Civil and Criminal Courts; Salaries, Establishments and Contingent Charges of the several Deputy and Assistant Commissioners, and of the Magistrates at Rangoon	56,942		
Police	44,239		
	103,296		
		180,417	
Nagpore Territory:			
Salaries, Sudder and Pergunnah Establishments and Contingencies	105,947		
Deduct,—charged to the Revenue Department	35,315		
		70,632	
Oude Territory:			
Salaries, Establishments and Contingent Charges in the Judicial Department		8,215	
Total Bengal, including newly acquired Territories			£. 897,310
NORTH WESTERN PROVINCES, including the Punjaub and Trans-Indus Territory:			
North Western Provinces:			
Sudder, Dewanny and Nizamut Adawlut - Salaries of the Judges, Establishments and Contingencies		£. 27,998	
Commissioners of Circuit - - ditto - - - ditto - - -		21,672	
Civil and Criminal Courts - - ditto - - - ditto - - -		256,705	
Inspector of Prisons - - - ditto - - - ditto - - -		4,495	
Charges on account of Prisoners; Gaol Establishment, Diet, Clothing, Medicines, &c.		83,240	
Postage on Service Letters		8,106	
Pensions		4,892	
Police		174,368	
Carried forward		581,476	897,310

No. 22.—General Abstract Account of the Judicial and Police Charges of India, for Year ended 30 April 1856—*cont^d.*

	£.	£.	£.
Brought forward - - -		581,476	897,310
Punjaub and Trans-Indus Territory:	£.		
Salary of the Judicial Commissioner, Establishment and Contingent Charges	6,542		
Commissioners of Circuit; Salaries, Establishments and Contingent Charges	11,122		
Civil and Criminal Courts - - - ditto - - - - - -	45,542		
Inspector of Prisons - - - - ditto - - - - - -	1,466		
Charges on account of Prisoners; Gaol Establishment, Diet, Clothing, Medicines, &c. - - - - - - - - - - - -	21,365		
Postage on Service Letters - - - - - - - - - - -	3,345		
Civil and Military Police - - - - - - - - - - -	214,310		
		303,692	
Total North Western Provinces, including the Punjaub and Trans-Indus Territory - - - - - - - £.			885,168
MADRAS:			
Supreme Court, and other Local Courts within its Jurisdiction:		£.	
Supreme Court of Judicature; Salaries, Establishments and Contingencies, including Salaries and Establishments of the Company's Law Officers, &c. - - - -		21,963	
Coroner's Office - - - - - - - - - - - - - - -		641	
Sheriff's Office - - - - - - - - - - - - - - -		1,659	
Court of Small Causes - - - - - - - - - - - - - -		7,225	
Insolvent Debtors' Court - - - - - - - - - - - - - -		370	
Police Charges at the Presidency - - - - - - - - - - - -		13,113	
		44,971	
Sudder, Provincial and Zillah Courts, including Provincial Police:	£.		
Courts of Sudder and Fouzdarry Adawlut - - - - - - -	22,919		
Provincial Courts - - - - - - - - - - - - -	174,940		
Provincial Police - - - - - - - - - - - - -	87,351		
		285,210	
Pensions - - - - - - - - - - - - - - - -		3,452	
Postage on Official Letters and Packages - - - - - - - - - - -		2,717	
Repairs of Buildings, including proportion of Salaries, Establishments and Contingencies of Officers in the Public Works Department - - - - - - - - - -		2,691	
Total Madras Presidency - - - £.			339,041
BOMBAY:			
Supreme Court, and other Local Courts within its Jurisdiction:		£.	
Supreme Court of Judicature; Salaries of the Judges, Establishments and Contingencies, including Salaries, and Establishments of the Company's Law Officers, &c. - -		31,079	
Coroner's Office - - - - - - - - - - - - - - -		725	
Court of Small Causes - - - - - - - - - - - - - -		7,386	
Sheriff's Establishment - - - - - - - - - - - - - -		1,971	
Inspector of Gaols - - - - - - - - - - - - - - -		3,950	
Police Charges at the Presidency (deducting 5,013 *l.*, contributed by the Municipal Fund under Act of the Government of India, No. XI. of 1845) - - - - - - -		19,028	
		64,139	
Provincial Courts:	£.		
Salaries, Establishments and Contingent Charges (including 11,862 *l.* Charges on account of the Southern Mahratta Irregular Horse, after deducting the sum of 7,929 *l.* received from the Surrumjamdars on account of the Pay of that Force) - - - - - - - - -	224,697		
Repairs of Public Buildings, including a portion of the Salaries, Establishments and Contingencies of Officers in the Public Works Department	2,928		
		227,625	
Sind:			
Salary of the Assistant Judicial Commissioner, Establishment and Contingent Charges - - - - - - - - - - - -	2,227		
Charges on account of the Police Corps, Khosa Horse, Soda Killadars and Footmen, Magisterial and Gaol, Establishment and Contingencies -	65,823		
Repairs to Buildings, including a portion of the Salaries, Establishment and Contingencies of Officers in the Public Works Department - -	866		
		68,916	
Sattara:			
County Courts; Salaries, Establishments and Contingent Charges, including 6,785 *l.*, Charges on account of the Southern Mahratta Horse -	28,251		
Repairs of Buildings - - - - - - - - - - - -	349		
		28,600	
Total Bombay Presidency, &c. - - - £.			389,280
Total Judicial and Police Charges in India - - - £.			2,510,799
Charges in England:			
Passage and Outfit of the Puisne Justice of the Supreme Court at Bombay - - - - -			1,000
Total Judicial and Police Charges - - - £.			2,511,799

No. 23.—GENERAL ABSTRACT ACCOUNT of the AMOUNT expended for BUILDINGS, ROADS, and other PUBLIC WORKS, exclusive of REPAIRS and of MILITARY BUILDINGS, for the Year ended the 30th April 1856.

	£.	£.
Bengal:		
Advances to the Railway Commissioner for the Purchase of Land, &c.	39,840	
Advances on account of the Electric Telegraphs in India	44,156	
On account construction of various Buildings, Roads, &c.	159,977	
	243,973	
Burmese Territory:		
ANNEXED PROVINCES of PEGU and MARTABAN:		
Advances for Public Works	225,696	
Nagpore Territory:		
Construction of Buildings	169	
Oude Territory:		
Advances for Public Works	94,938	
		564,776
NORTH WESTERN PROVINCES, including the PUNJAUB and TRANS-INDUS TERRITORY:		
North Western Provinces:		
On account construction of Canals, Dams, Tanks, &c.	64,095	
On account construction of Roads, Bridges, Public Buildings, &c.	411,308	
	475,403	
Punjaub and Trans-Indus Territory:	£.	
On account construction of Canals, Dams, Tanks, &c.	113,502	
On account construction of Roads, Bridges, Gaols, Public Buildings, &c.	265,700	
	379,202	
		854,605
Madras:		
On account construction of Buildings	24,708	
On account construction of Roads, Bridges, Ghauts, &c.	118,324	
On account construction of various Works of Irrigation, Anicuts, Tanks, Dams, &c.	137,001	
On account construction of Harbours, Lighthouses, Works at Paumbaum, &c.	4,655	
Value of Lands taken up for the Madras Railway	6,351	
		291,039
Bombay:		
On account construction of Roads, Bridges, Tanks, &c., deducting the sum of £. 4,163, contributed by Ryots for Public Works	75,460	
Land taken for Railway purposes	6,581	
On account various Public Buildings, &c.	36,792	
	118,833	
Sind:	£.	
On account construction of Roads, Tanks, Bridges, &c.	23,977	
On account various Public Buildings, &c.	12,662	
	36,639	
Sattara:		
On account construction of Roads and Bridges	15,348	
On account various Public Buildings, &c.	366	
	15,714	
		171,186
	£.	1,881,606
Add,—from England (No. 34):		
Invoice Value of Public Works Stores		36,586
TOTAL, including STORES from ENGLAND £.		1,918,192

No. 24.—GENERAL ABSTRACT ACCOUNT of the CHARGES of the EASTERN SETTLEMENTS (PRINCE of WALES' ISLAND, SINGAPORE and MALACCA), for the Year ended the 30th April 1856.

	£.	£.
Prince of Wales' Island:		
Salaries of the Resident Councillor, Assistant Resident, and Superintendent of Province Wellesley; Establishment and Miscellaneous and Contingent Charges	5,514	
Ecclesiastical Establishment; Salary of the Chaplain, Church Establishment and Contingent Charges	724	
Schools; Allowances	533	
Medical Department; Salary and Establishment of the Assistant Surgeon, Hospital Charges, &c.	1,019	
Judicial and Police Charges; Salaries of the Recorder and Registrar, Establishment of the Offices of the Recorder, Registrar, Sheriff, Coroner, &c.; Superintendent of Convicts and other Prisoners; Police and Contingent Charges	9,765	
Marine Charges; Salary of the Harbour Master, Establishment and Contingencies	2,150	
Military Charges; Command Allowances and Contingencies	201	
Local Pensions	561	
		20,467
Singapore:		
Salary of the Governor of the Straits Settlements; Salaries, Establishments, and Contingencies of the Resident Councillor, Assistant Resident and Secretary and Aide-de-Camp to the Governor	9,901	
Ecclesiastical Department; Salary of the Chaplain, Church Establishment and Contingencies	1,109	
Schools; Allowances	895	
Medical Department; Salaries and Establishments of the Surgeon and Assistant Surgeon, Hospital Charges, &c.	1,874	
Judicial and Police Charges; Establishment of the Court of Judicature, Sheriff, Coroner, Court of Requests, Superintendent of Convicts, Charges on account of Prisoners, and Contingent Charges	8,448	
Marine Charges; Establishment and Contingencies of the Master Attendants' Office	1,445	
Military Charges	86	
Local Pensions	192	
		23,950
Malacca:		
Salaries of the Resident Councillor, Assistant Resident, Establishment and Contingent Charges	1,920	
Ecclesiastical Establishment; Salary of the Chaplain, Church Establishment and Contingencies	457	
Schools; Allowances	365	
Medical Department; Salary, Establishment and Contingent Charges of the Assistant Surgeon	594	
Judicial and Police Charges; Establishment of the Court of Judicature, Sheriff, Coroner, and Court of Requests, Country Police Establishment, and Charges on account of Convicts and Contingencies	2,756	
Carried forward £.	6,092	44,417

No. 24.—Account of the Charges of the Eastern Settlements, &c., for the Year ended 30 April 1856—*continued.*

	£.	£.
Brought forward - - -	6,092	44,417
Malacca—*continued.*		
Marine Charges; Establishment and Contingencies - - - - - - - -	204	
Military Charges; Command Allowance and Miscellaneous - - - - -	182	
Local Pensions - - - - - - - - - - - - - - -	269	
		6,747

The separate Settlements, to which the following Charges attach, are not distinguished in the Books or Statements at present received from India:

	£.	
Suppression of Piracy in the Straits - - - - - - - - - - - -	7,008	
Construction of Buildings - - - - - - - - - - - - - -	5,068	
Repairs of Buildings - - - - - - - - - - - - - - -	1,009	
Service Pensions and Miscellaneous - - - - - - - - - - -	263	
		13,348
Total Charges of the Eastern Settlements (exclusive of the Charges of Collection of the Revenues and Payments of Political Pensions, as exhibited in Accounts Nos. 16 and 18) - - - - - - - - £.		64,512

TOTAL CHARGES OF THE EASTERN SETTLEMENTS.

	£.
Charges of Establishment (exclusive of Charges of Collection of the Revenues) as exhibited above - - - - - - - - - - - - - - - -	64,512
Charges of Collection of the Revenues (Account No. 16) - - - - - - -	4,032
Allowances and Assignments payable out of the Revenues (Account No. 18) - -	5,209
	73,753
Charges in England:	
Passage and Outfit of the Recorders of the Courts of Judicature at Prince of Wales' Island and Singapore - - - - - - - - - - - - - - - -	1,000
Total Charges of Eastern Settlements - - - £.	74,753

Note.—The Charges on account of the Troops stationed in the Eastern Settlements are included in the General Military Charges of India.

No. 25.—GENERAL ABSTRACT ACCOUNT of the Military Charges of INDIA, for the Year ended the 30th April 1856, including the Charges defrayed in England.

Bengal:	£.	£.
Her Majesty's Troops:		
Pay, Allowances, Commissariat and Contingent Charges - - - - - -		773,348
East India Company's Troops:		
Pay and Allowance of Regular Troops - - - - - - - -	£. 2,180,816	
Ditto - ditto of Irregular Cavalry and Local Infantry Battalions - - - - - - - - - - - - - -	515,091	
		2,695,907
		3,469,255
General Staff and Staff attached to Army Divisions and Stations, including the Adjutant-General's, Quartermaster-General's, Judge Advocate-General's, &c. Departments -		134,317
Commissariat Department and Charges - - - - - - - - - -		426,154
Repairs of Fortifications and Buildings - - - - - - - - - -		152,126
Garrison and Recruiting Depôts; Medical, Clothing, Pay and Stud Departments; Gun Foundries, Gunpowder Agencies and Miscellaneous - - - - - - - -		490,197
Pay and Allowances of Troops and Commissariat Charges, &c. at Aden - - -		38,667
Pensions - - - - - - - - - - - - - - - - -		231,894
Carried forward - - - £.		4,942,610

No. 25.—General Abstract Account of the Military Charges of India, for the Year ended 30 April 1856—*continued.*

	£.	£.	£.
Brought forward - - -		4,942,610	
Bengal—*continued.*			
Extraordinary Charges in the Military Department:			
	£.		
On account of the Expedition against Burmah - - - - -	40,057		
Ditto - of the late Army of the Punjaub - - - - -	64,480		
Ditto - of the Santhal Insurrection - - - - - -	36,394		
Ditto - of the Oude Field Force - - - - - - -	8,631		
		149,562	
		5,092,172	
Annexed Provinces of Pegu and Martaban:			
Expenses on account of Pegu Light Infantry - - - - - - - - -		14,099	
Nagpore Territory:			
Nagpore Irregular Force - - - - - - - - - - - - -		80,173	
Oude Territory:	£.		
Oude Irregular Force - - - - - - - - - - - -	13,122		
Arrears and Advances of Pay to Troops of the late Government of Oude	164,120		
		177,242	
Punjaub and Trans-Indus Territory:			5,363,686
Punjaub Irregular Force of Infantry, Cavalry and Artillery, Guide Corps, Camel Corps, &c. - - - - - - - - - - - - - - - -		- - -	199,183
Madras:	£.		
Her Majesty's Troops:			
Pay and Allowances - - - - - - - - - -	96,266		
East India Company's Troops:			
Pay and Allowances - - - - - - - - - -	1,408,780		
		1,505,046	
General, Division, Garrison and Cantonment Staff, including Military Offices and Establishments - - - - - - - - - - - - - -		113,756	
Commissariat Department and Charges - - - - - - - - - - -		294,897	
Ordnance Department - - - - - - - - - - - - -		42,134	
Batta to Troops serving in the Eastern Settlements, including Pay, Field Batta, Provisions, &c. supplied to the Troops at Labuan - - - - - - - -		343,022	
Repairs of Fortifications and Buildings, including proportion of Salaries, Establishments and Contingencies of Officers in the Public Works Department - - - -		21,409	
Medical, Gun Carriage, Gunpowder and Clothing Departments, and Miscellaneous and Contingent Charges - - - - - - - - - - - -		192,029	
Stores (exclusive of Stores from England) - - - - - - - - - - -		26,374	
Postage on Official Letters and Packages - - - - - - - - - - -		8,365	
Pensions - - - - - - - - - - - - - - - - -		182,890	
		2,729,922	
Deduct,			
Chargeable to Her Majesty's Government on account of Pay, Field Batta and Supplies furnished to the Troops composing the Garrison of Labuan -		7,536	
			2,722,386
Bombay:			
Her Majesty's Troops:			
Pay, Allowances, Commissariat and Contingent Charges - - - - - -		233,979	
East India Company's Troops:	£.		
Pay and Allowances of Regular Troops - - - - - - -	712,191		
Pay and Allowances, Commissariat and Contingent Charges of Irregular Local Corps - - - - - - - - - - -	146,285		
		858,476	
		1,092,455	
General Division and Garrison Staff - - - - - - - - - - - -		100,716	
Commissariat Department and Ordnance Charges - - - - - - - - -		135,285	
Repairs of Fortifications and Buildings, including portion of Salaries, Establishment and Contingencies of Officers in the Public Works Department - - - - -		29,122	
Medical, Gun Carriage, Gunpowder and Clothing Departments, and Miscellaneous and Contingent Charges - - - - - - - - - - - -		64,988	
Stores (exclusive of Stores from England) - - - - - - - - - - -		28,604	
Pensions - - - - - - - - - - - - - - - - -		98,436	
Carried forward - - - £.		1,549,606	8,285,255

No. 25.—General Abstract Account of the Military Charges of India, for the Year ended 30 April 1856—*continued.*

	£.	£.	£.
Brought forward - - -		1,549,606	8,285,255
Sind:			
Her Majesty's Troops:			
Pay and Allowances - - - - - - - - - -	1,675		
East India Company's Troops:			
Pay and Allowances of Regular Troops - - -	36,748		
Ditto - ditto - of Irregular Troops - - -	89,817		
	126,565		
Commissariat Charges - - - - - - - - - -	18,241		
Military Offices and Departments, including Contingent Charges - -	28,095		
Repairs to Fortifications and Buildings, including portion of Salaries, Establishments and Contingencies of Officers in the Public Works Department - - - - - - - - - - - -	7,565		
		182,141	
Sattara:			
Pay and Allowances of East Company's Troops stationed at Sattara -	814		
Commissariat, Medical and Miscellaneous Charges - - - - -	812		
Repairs to Military Fortifications and Buildings, including portion of Salaries, Establishments and Contingencies of Officers in the Public Works Department - - - - - - - - - - - -	808		
		2,434	
			1,734,181
MILITARY BUILDINGS and FORTIFICATIONS:			
Bengal:			
Lower Provinces - - - - - - - - - - - -	24,623		
Western Provinces - - - - - - - - - - -	180,778		
Aden - - - - - - - - - - - - -	21,290		
	226,691		
Pegu and Martaban - - - - - - - - - - -	46,634		
Nagpore Territory - - - - - - - - - - -	801		
Oude Territory - - - - - - - - - - - -	7,525		
		281,651	
Punjaub and Trans-Indus Territory - - - - - - - - - - -		368	
Madras - - - - - - - - - - - - - - -		70,532	
	£.		
Bombay - - - - - - - - - - - - - -	27,485		
Sind - - - - - - - - - - - - - -	17,800		
Sattara - - - - - - - - - - - - - -	97		
		45,382	
			397,933
TOTAL CHARGES IN INDIA (No. 13) - - - £.			10,417,369
CHARGES in ENGLAND:			
Furlough and Retired Pay to Military Officers, including Off-reckonings (No. 13) -		801,712	
Her Majesty's Paymaster-General, on account of Queen's Troops serving in India (No. 13)		250,000	
Retiring Pay, Pensions, &c. of Her Majesty's Troops serving or having served in India, Act 4 Geo. 4, c. 71 (No. 13) - - - - - - - - - - - -		60,000	
Invoice Value of Stores (No. 34) - - - - - - - - - - -		314,658	
Passage of Troops (No. 32) - - - - - - - - - - - -		66,994	
Passage and Outfit of the Commander-in-Chief at Madras, Officers on the Staff, Aides-de-Camp, Chaplains, Officers in charge of Recruits, and Officers in Her Majesty's Service, proceeding to join their Regiments (No. 33) - - - - - -		15,585	
Charges of the Depôt at Warley and other Recruiting Charges, including Expenses of the Engineer Cadets and Recruits studying the Art of Sapping and Mining at Chatham (No. 33) - - - - - - - - - - - - - -		67,307	
Military College at Addiscombe, Net Charge (No. 33) - - - - - - -		8,507	
Pensions under the Regulations of Lord Clive's Fund (No. 33) - - - - -		77,607	
Value of Arms taken to India by Her Majesty's Regiments (No. 13) - - - -		10,387	
			1,672,757
TOTAL MILITARY CHARGES OF INDIA - - - £.			12,090,126

No. 26.—GENERAL ABSTRACT ACCOUNT of the MARINE CHARGES of INDIA, for the Year ended the 30th April 1856, including the Charges defrayed in ENGLAND.

	£.	£.	£.
BENGAL:			
Superintendent's Office, Marine Pay Office and Naval Storekeeper's Department; Salaries, Establishments and Contingent Charges	10,255		
Master Attendant's Office; Salaries, Establishment and Contingent Expenses	5,834		
Registry Office of Merchant Seamen - - ditto - - ditto	1,823		
Light-houses and Floating Lights, Chain Moorings, Hulks and Receiving Vessels	12,121		
Pilot Schooners, Row Boats and Bhaoleahs	41,503		
Semaphoric Telegraph Establishment	255		
Marine Charges at Arracan and in the Tenasserim Provinces	17,526		
Dockyard at Kidderpore	20,112		
Marine Surveys and Miscellaneous	3,977		
Stores (exclusive of Stores from London)	39,320		
Repairs of Buildings, Docks, Lighthouses, &c.	2,188		
		154,914	
Steam Navigation:			
Controller's Office, Workshops and Coal Depôt at Kidderpore	21,397		
INTERNAL:	£.		
Freight Office, Steam Agents, Native Mariners and Coal and Firewood Depôts	3,831		
Steam Boats, Accommodation Flats, Cargo and Troop Boats	11,754		
Coals	6,801		
		22,386	
EXTERNAL:			
Charges of the Steamers	25,753		
Charges of the Coal Depôts at Moulmein Akyab, Point de Galle, &c.	21,298		
		47,051	
		90,834	
Pensions		6,240	
			251,988
ANNEXED PROVINCES of PEGU and MARTABAN:			
Local Marine:			
Master Attendant at Rangoon; Salary, Establishment and Contingent Charges		2,207	
Dockyard at Rangoon; Salary of Superintending Engineer, Establishments, and Contingencies		64,542	
Superintendent of the Irrawaddy Flotilla; Salary, Establishment and Contingent Charges		1,373	
Schooners and Light and Transport Vessels		7,088	
Steam Vessels, Accommodation Flats and Troop Boats		18,256	
Purchase of Stores, Coals, &c.		19,337	
		112,803	
Deduct, Receipts for Freight and Passage Money operating in reduction of Charges		1,102	
			111,701
TOTAL MARINE CHARGES at BENGAL, including the Annexed PROVINCES of PEGU and MARTABAN		£.	363,689
MADRAS:		£.	
Marine Board; Salaries, Establishments and Contingent Charges		1,221	
Master Attendant's Office - - - ditto - - - ditto		2,987	
Lighthouse Charges		333	
Establishment of the Registrar of Merchant Seamen		371	
Establishments at the Outports		2,080	
	£.		
Charges on account of the Steamer "Hugh Lindsay," including Coals purchased	4,681		
Less,—Received for Passage-money and Freight	21		
		4,660	
Repairs of Buildings, including proportion of Salaries, Establishments and Contingencies of Officers in the Public Works Department		536	
Miscellaneous		1,143	
Pensions		45	
		13,376	
Deduct, Proceeds of Stores sold, and Miscellaneous Receipts operating in reduction of Charges		960	
			12,416
Carried forward - - - £.			376,105

No. 26.—General Abstract Account of the Marine Charges of India, for the Year ended 30 April 1856—*continued.*

	£.	£.
Brought forward		376,105
BOMBAY:		
Marine Office; Salaries, Establishment and Contingent Charges	16,304	
Master Attendant's Department, including Charges of Lighthouse and Pilot Establishment	7,951	
Master Builder's Department, including Dock and Yards	5,472	
Registrar of Merchant Seamen; Establishment and Contingent Charges	1,201	
Charges of Sailing Vessels	39,254	
Charges of Steam Vessels	76,504	
Ship-building and Repairing Charges	18,037	
Stores (exclusive of Stores from England)	19,732	
Steam Factory and Coal Depôt	1,743	
Pay of Officers unattached, and Contingent and Miscellaneous Charges in the Marine Department	14,759	
Retired Pay and Pensions (exclusive of Payments in England)	2,203	
Burmah Donation Batta	2,272	
Repairs of Buildings, including portion of the Salaries, Establishments and Contingencies of Officers in the Public Works Department	4,024	
	209,456	
Deduct,—Proceeds of Stores sold, and Miscellaneous Receipts operating in reduction of Charges	20,189	
	189,267	
SIND:	£.	
Pay and Allowances to Officers and Crews of Vessels employed in Sind	35,213	
Repairs of Buildings, including portion of Salaries, Establishments and Contingencies of Officers in the Public Works Department	116	
	35,329	
Deduct,—Freight, &c., realized by Vessels of the Indus Flotilla	2,631	
	32,698	
		221,965
TOTAL CHARGES in INDIA	£.	598,070
CHARGES in ENGLAND:		
Furlough and Retired Pay to Marine Officers (No. 13)	30,774	
Passage and Outfit of Volunteers for the Bengal Pilot Service (No. 33)	409	
Invoice Value of Stores (No. 34)	117,528	
Cost of Coals and various Expenses connected with Steam Communication with India, deducting 10,274 *l.* received from Her Majesty's Government (No. 13)	69,665	
		218,376
TOTAL MARINE CHARGES	£.	816,446

No. 27.—GENERAL ABSTRACT ACCOUNT of the MINT CHARGES of INDIA, for the Year ended the 30th April 1856.

	£.	£.
BENGAL:		
Salaries, Establishments and Contingent Charges of the Mint Master, Assay Master, &c.	20,839	
Loss of weight in melting, and Miscellaneous Charges	10,564	
		31,403
MADRAS:		
Salaries, Establishments and Contingent Charges of the Mint Master, Assay Master, &c.		12,068
BOMBAY:		
Salaries, Establishments and Contingent Charges of the Mint Master, Assay Master, &c.		19,102
		62,573
Add,—Stores from England (No. 34)		4,756
TOTAL, including STORES from ENGLAND	£.	67,329

No. 28.—GENERAL ABSTRACT ACCOUNT of the Sums paid and payable for Interest on India Debt, in the Year ended the 30th April 1856; showing also the Amount of the Debt at that Date.

AMOUNT of the Interest paid in the Year 1855–56.

	£.	£.	£.
Bengal:			
Interest on Loans		1,722,456	
Interest on Treasury Notes	29,843		
Interest on Deposits on account of Service Funds, Savings Banks, &c.	143,588		
		173,431	
			1,895,887
North-Western Provinces, &c.:			
Interest on Temporary Loans		2,297	
Interest on Deposits		875	
			3,172
Madras:			
Interest on Loans, Interest on Treasury Notes, Interest on Deposits on account of Service Funds, Savings Banks, &c.		51,214	
Interest on the Fund for the Redemption of the Bonds issued to the Creditors of the late Rajah of Tanjore		15,553	
			66,767
Bombay:			
Interest on Treasury Notes		39	
Interest on Deposits on account of Service Funds, Savings Banks, &c.		78,453	
			78,492
		£.	2,044,318

The AMOUNT of Interest payable on the Public Debts outstanding at the several Presidencies of India on the 30th April 1856, was as follows:—

	AMOUNT of DEBT.	RATE of INTEREST.	ANNUAL AMOUNT of INTEREST.
Bengal:			
Registered Debt:	£.		£.
Loans	338,178	6 per Cent.	20,291
Ditto	3,744,141	5 per Cent.	187,207
Ditto	39,392,841	4 per Cent.	1,575,714
Ditto	530,730	3½ per Cent.	18,575
£.	44,005,890	- - -	1,801,787
Loan transferred from Fort Marlborough	715	10 per Cent.	71
Treasury Notes	917,133	6, 4 and 3¾ per Cent.	37,097
Civil and Medical Funds	2,268,300	6, 5 and 4 per Cent.	135,789
Miscellaneous Deposits	106,166	3 per Cent.	3,185
£.	47,298,204	- - -	1,977,929
North-Western Provinces, including the annexed Territory:			
Miscellaneous Deposits	18,750	4 per Cent.	750
Temporary Loans	219,656	5 per Cent.	10,982
£.	238,406	- - -	11,732
Madras:			
Loans	14,437	8 per Cent.	1,155
Ditto	7,547	6 per Cent.	453
Civil, Military and Medical Funds	839,330	6 and 5 per Cent.	46,981
Miscellaneous Deposits	77,755	6, 5, 4, 3¾ and 3 per Cent.	2,779
Treasury Notes	49,172	4 and 3¾ per Cent.	1,960
Fund for Redemption of the Bonds issued to the Creditors of the late Rajah of Tanjore	395,423	4 per Cent.	15,817
£.	1,383,664	- - -	69,145
Bombay:			
Civil Annuity and other Funds	568,019	6 per Cent.	34,081
Civil Provident and Military Funds	881,287	5 per Cent.	44,064
Miscellaneous Deposits	112,383	3 and 4 per Cent.	3,573
Treasury Notes	1,406	3¾ per Cent.	53
£.	1,563,095	- - -	81,771
£.	50,483,369	- - -	2,140,577

No. 29.—GENERAL ABSTRACT ACCOUNT of the Receipts and Disbursements of the several Presidencies of INDIA, for the Year ended the 30th April 1856, showing the Local Surplus or Deficit at each Presidency.

	Number of Account.	BENGAL, including newly-acquired Territory.	NORTH WESTERN PROVINCES, including the Annexed Territory.	TOTAL.	MADRAS.	BOMBAY, including SIND and SATTARA.	TOTAL of INDIA.
NET REVENUES AND RECEIPTS:		£.	£.	£.	£.	£.	£.
Per Account	2	9,859,172	—	—	—	—	—
Ditto	6	- - -	5,668,311	—	—	—	—
Ditto	8	- - -	- - -	- - -	3,724,463	—	—
Ditto	9	- - -	- - -	- - -	- - -	2,895,401	—
TOTAL NET RECEIPTS - - - - £.		9,859,172	5,668,311	15,527,483	3,724,463	2,895,401	22,147,347
EXPENDITURE:							
Charges of the Civil and Political Establishments of India, including Contingent Charges	21	1,098,549	337,850	1,436,399	444,438	395,425	2,276,262
Judicial and Police Charges	22	897,310	885,168	1,782,478	339,041	389,280	2,510,799
Buildings, Roads and other Public Works, exclusive of Repairs and of Military Buildings	23	564,776	854,605	1,419,381	291,039	171,186	1,881,606
Military Charges	25	* 5,363,686	199,183	5,562,869	2,722,386	1,734,181	10,019,436
Military Buildings	„	281,651	368	282,019	70,532	45,382	397,933
Indian Navy and other Marine Charges	26	363,689	- - -	363,689	12,416	221,965	598,070
Charges of Prince of Wales' Island, Singapore and Malacca	24	64,512	- - -	64,512	- - -	- - -	64,512
Mint Charges	27	31,403	- - -	31,403	12,068	19,102	62,573
Interest on Debt (exclusive of Interest on the General Registered Debt of India)	28	173,431	3,172	176,603	66,767	78,492	321,862
		8,839,007	2,280,346	11,119,353	3,958,687	3,055,013	18,133,053
Local Surplus, Bengal		*1,020,165*					
Interest on the General Registered Debt of India, charged in Account to Bengal	28	1,722,456	- - -	1,722,456	- - -	- - -	1,722,456
TOTAL EXPENDITURE - - - £.		10,561,463	2,280,346	12,841,809	3,958,687	3,055,013	19,855,509
Local Deficit: after charging to Bengal the Interest on the General Registered Debt of India, carried to Account, No. 30		702,291	- - -	- - -	234,224	159,612	Net Local Surplus, 2,291,838
Local Surplus, carried to Account, No. 30		- - -	3,387,965	2,685,674	- - -	- - -	
	£.	9,859,172	5,668,311	15,527,483	3,724,463	2,895,401	22,147,347

* Partly chargeable to the North Western Provinces.

Charges defrayed in England (per Account, No. 13) - - -	£. 3,264,629
Local Surplus brought down - - - - - -	2,291,838
EXCESS of EXPENDITURE over INCOME - - -	£. 972,791

No. 30.—ACCOUNT of the BALANCES of PUBLIC MONEY in the several Treasuries of INDIA, on the 30th April 1855; the AMOUNT of DEBT incurred, and DEBT discharged during the Year 1855–56, the AMOUNT of ADVANCES and REPAYMENTS on various Accounts; the SUPPLIES to and from LONDON, and between the several Presidencies; and the BALANCES in the Indian Treasuries, on the 30th April 1856.

	BENGAL.	NORTH WESTERN PROVINCES, including the Annexed Territory.	MADRAS.	BOMBAY.	TOTAL.
	£.	£.	£.	£.	£.
Cash Balances in the Indian Treasuries on the 30th April 1855	3,544,438	1,980,803	1,627,394	2,381,600	9,534,235
DEBT incurred:					
Loans, at 3½, 4, and 5 per cent.	2,072,434	—	—	—	
Treasury Notes issued	191,774		47,297	422	
Bills outstanding	465,664	1,185,999	144,017	236,172	
Received on account of Civil, Military and other Service Funds	556,172		278,946	221,556	
Miscellaneous Deposits	2,027,474	2,225,964	549,244	405,874	
Gwalior Contingent, under Treaty of 13th January 1844	112,574	—	—	—	
Sinking Fund (and Interest thereon) for redemption of the Bonds issued to the Creditors of the late Rajah of Tanjore			41,914	—	
TOTAL DEBT Incurred £.	5,426,092	3,411,963	1,061,418	864,024	10,763,497
Advances made by Government, repaid, including Tuccavee Advances	569,072	460,008	529,868	409,745	1,968,693
SUPPLIES from LONDON:					
Bills on the Court for Interest of India Debt	16,256		4,482	968	
Bills on the Court for Interest on Claims on the late Rajah of Tanjore			2,409	—	
Other Bills on the Court	11,055		6,888	12,157	
Dividends on Stock of the Transfer Loans paid in England	85,700	—	—	—	
Advances made in England, repaid	412,211		245,469	135,833	
Miscellaneous, including Credits to Her Majesty's Government	15,092	4,530	10,878	270	
Invoice Value of Copper for Coinage	159,229		5,672	12,893	
Receipts on account of Indian Railways, under Deeds of Contract with the respective Railway Companies:					
Capital Account	39,343			137,344	
Revenue Account	45,040			1,516	
TOTAL SUPPLIES from LONDON £.	783,926	4,530	275,798	300,981	1,365,235
ACCOUNTS Current between the Presidencies:					
Bills drawn, Remittances of Treasure, and Advances and Disbursements (Excess Credits to other Presidencies, at Bengal, Madras and Bombay)	2,023,658		811,952	3,762	2,839,372
Excess of Income over Expenditure (Account, No. 29)		3,387,965			3,387,965
£.	12,347,186	9,245,269	4,306,430	3,960,112	29,858,997

	BENGAL.	NORTH WESTERN PROVINCES, including the Annexed Territory.	MADRAS.	BOMBAY.	TOTAL.
	£.	£.	£.	£.	£.
DEBT Discharged:					
Loans, at 4 and 5 per cent.	71,643	28,125	—	—	
Treasury Notes	158,656		2,531	469	
Bills outstanding	208,928	1,108,271		236,786	
Payments on account of Civil, Military and other Service Funds	601,011		276,532	183,660	
Miscellaneous Deposits	2,116,412	2,192,483	538,166	359,860	
Gwalior Contingent, under Treaty of 13 January 1844	148,109	—	—	—	
TOTAL DEBT Discharged £.	3,304,759	3,328,879	817,229	780,775	8,231,642
Advances repayable, including Tuccavee Advances	551,165	548,137	498,235	409,015	2,006,552
SUPPLIES to LONDON:					
Bills drawn by the Court, discharged	1,393,046		200,140	12,676	
Bills on Her Majesty's Government, transmitted	4,451	—	—	—	
Supplies to Her Majesty's Government, repayable in England	165,174		7,064	926	
Miscellaneous, including net Gain by Exchange operations with reference to the fixed rate of 1 s. 10½ d. the Company's rupee	51,666		14,085	35,334	
Payments on account of Indian Railways, under Deeds of Contract with the respective Railway Companies:					
Capital Account	1,051,835		224,086	190,996	
Interest	5,246			8,268	
TOTAL SUPPLIES to LONDON £.	2,671,418		445,375	248,200	3,364,993
ACCOUNTS Current between the Presidencies:					
Bills paid, Remittances of Treasure, and Advances and Disbursements (Excess Debits to other Presidencies at the North Western Provinces		3,116,349			3,116,349
Excess of Expenditure over Income (Account, No. 29)	702,291		234,224	159,612	1,096,127
Cash Balances in the several Treasuries on the 30th April 1856	5,117,553	2,251,904	2,311,367	2,362,510	12,043,334
£.	12,347,186	9,245,269	4,306,430	3,960,112	29,858,997

No. 31.—GENERAL ABSTRACT ACCOUNT of the Sums paid and payable for Interest on the Home Bond Debt, for the Year ended the 30th April 1856; showing also the Amount of the Debt at that Date.

	£.	£. s. d.
Amount of the Capital of the Home Bond Debt on the 30th April 1855	3,894,500	
Amount of a Bond paid off in April 1856, Interest on which ceased on the 3d June 1850, under Court's Advertisement of the 30th May 1849	100	
Amount of the Capital of the Home Bond Debt on the 30th April 1856 £.		3,894,400 – –
Interest thereon, at the rate of 4 *l.* per Cent. per Annum, from the 31st March 1855 to the 31st March 1856 £.		155,776 – –
Amount actually paid in the Year £.		152,016 11 4

Note.—The Interest on the Bond Debt is payable half-yearly; viz., on the 1st of April and 1st of October in each year.

No. 32.—GENERAL ABSTRACT ACCOUNT of the Charges for Transport of Troops and Stores, deducting the Amount of Freight charged in the Invoices, in the Year ended the 30th April 1856.

	£.
Proportion paid in England of the Freight of Stores consigned to India	6,940
Ditto of the Passage-money of Troops to India	10,850
Preserved Provisions, Grocery, Bedding, and other Supplies for the use of the Troops on the Voyage outward	4,819
Expenses at the Cape of Good Hope, landing and re-embarking Troops outward	535
Proportion paid in England of the Passage-money of Troops homeward	49,117
Medical Attendance upon Troops on the Homeward Voyage	1,488
Supplies furnished to Invalids on the Homeward Voyage	1,195
Freight of various articles consigned to England	198
Expenses connected with the examination of Troop and Store Ships, and the embarkation of Troops proceeding to India	471
	75,613
Net Sale Proceeds of unexpended Stores from Troop Ships engaged in India, unserviceable Great-coats, &c.	1,246
Troops £. 66,994	74,367
Stores 7,373	
Deduct,—The amount of Freight payable upon the Consignments of Stores charged in the Invoices, per Account No. 34	19,470
£.	54,897

No. 33.—GENERAL ABSTRACT ACCOUNT of the Particulars comprised under the Head of "Charges General," in the Statement of the Home Expenditure (No. 13), in the Year ended the 30th April 1856.

	£.	£.
Board of Commissioners for the Affairs of India; Salaries of the President and Officers, and Contingent Expenses of the Board, and Superannuation Allowances granted by Warrant of the Crown, under Act 53 Geo. 3, c. 155, s. 91		29,580
Indian Law Commission; Act 16 & 17 Vict. c. 95, s. 28		6,325
Salaries of the Court of Directors of the East India Company		10,000
Contingent Expenses of the Courts of Directors and Proprietors, consisting of Repairs to the East India House, Taxes, Rates and Tithes, Coals, Candles, Printing, Stationery, Bookbinding, Stamps, Postage, and various petty Charges		26,837
Salaries and Allowances of the Secretaries and Officers of the Court of Directors, deducting 3,915 *l.*, the amount applied from the Fee Fund in part payment thereof		95,043
Annuitants and Pensioners; Annuities and Pensions for Civil, Judicial, Military and Maritime Services, including Compensation Annuities to late Commercial Servants granted under Act 3 & 4 Will. 4, c. 95		181,637
Haileybury College:	£.	
Charge	19,770	
Received from Students	8,967	
Net Charge		10,803
Military College at Addiscombe:		
Charge	25,947	
Received from Cadets, &c.	17,440	
Net Charge		8,507
Recruiting Charges; comprising Pay of Officers and Non-commissioned Officers of the Depôt at Warley and in the Recruiting Districts, Pay of Recruits previous to embarkation, Bounty, Clothing, Arms, Accoutrements, &c., including Expenses of Engineer Cadets and Recruits studying the art of Sapping and Mining at Chatham	51,457	
Repairs, Alterations and Additions to Barracks at Warley	15,850	
		67,307
Passage and Outfit of the Right honourable the Governor-general of India, the Commander-in-Chief at Madras, Puisne Justice of the Supreme Court at Bombay, and Recorders of the Courts of Judicature of Prince of Wales' Island and Singapore; Officers on the Staff, Aides-de-Camp, Chaplains, Company's Officers in charge of Recruits, Officers in Her Majesty's Service proceeding to join their Regiments, Volunteers for the Pilot Service, and Civil Engineers and Overseers for Public Works, &c.:		
Civil	7,331	
Military	15,585	
Marine	409	
Judicial	2,000	
		25,325
Charges of the Store Department; Articles for use in the inspection of Military and other Stores; also, Pay of Labourers employed in the Department of the Inspector of Stores, Wharfage, Cartage, &c.		7,037
Lord Clive's Fund; Charge for Military Pensions, &c., deducting 2,421 *l.* Interest allowed on Balance of unclaimed Prize Money in the Home Treasury made applicable to that Fund		77,607
Expenses attending the Exhibitions of the Industry of all Nations; further Payments on that account		3,700
Law Charges		16,560
Maintenance of Lunatics from India		6,337
Burmah Donation Batta		336
Postage of the Company's Despatches to and from India		8,874
Miscellaneous; comprising Cost of War Medals for Troops, Cost of Maps and Charts for India, Donations to Bengal Civil Fund and to the Widows' Funds for the Home Service, Donations for Services, Relief, &c., and various Contingent Charges		19,339
	£.	601,154
Receipts and Credits at Home, taken in Reduction of the aggregate Amount of Charge under the Head of "Charges General:"		
	£.	
Per-centages added to Invoices of Stores for Expense of Establishments maintained for the provision and examination of Export Stores (per Account, No. 34)	14,347	
Profit realized from the temporary Investments of the surplus Home Cash Balances, deducting 12,533 *l.*, the amount of Interest allowed to the credit of the Poplar Fund on its Balances, and on amount of unclaimed Prize Money applicable to Lord Clive's Fund, remaining in the Home Treasury	92,973	
		107,320
	£.	493,834

No. 34.—GENERAL ABSTRACT ACCOUNT of Stores Exported to INDIA, in the Year ended 30th April 1856.

	BENGAL.				MADRAS.				BOMBAY.				TOTAL Invoice Amount of Stores Exported.
CIVIL STORES.	Cost.	Establishment and Shipping Charges.	Freight.	TOTAL.	Cost.	Establishment and Shipping Charges.	Freight.	TOTAL.	Cost.	Establishment and Shipping Charges.	Freight.	TOTAL.	
	£.	£.	£.	£.	£.	£.	£.	£.	£.	£.	£.	£.	£.
Stationery	27,920	838	419	29,177	11,073	332	196	11,601	4,572	137	89	4,798	45,576
Mint Stores	1,665	50	155	1,870	1,377	41	82	1,500	1,040	31	315	1,386	4,756
Public Works Stores	19,585	588	2,883	23,056	11,765	353	778	12,896	584	18	32	634	36,586
Miscellaneous Stores	4,348	130	20	4,498	1,666	51	49	1,766	1,224	37	34	1,295	7,559
£.	53,518	1,606	3,477	58,601	25,881	777	1,105	27,763	7,420	223	470	8,113	94,477
MILITARY STORES:													
Hospital Stores	25,740	772	376	26,888	14,530	436	164	15,130	9,427	283	104	9,814	51,832
Miscellaneous Stores	96,803	2,905	1,939	101,647	84,372	2,531	2,182	89,085	63,952	1,915	1,297	67,164	257,896
Horses	3,570	- - -	1,360	4,930	- -	- - -	- -	- -	- -	- - -	- -	- -	4,930
£.	126,113	3,677	3,675	133,465	98,902	2,967	2,346	104,215	73,379	2,198	1,401	76,978	314,658
Marine Stores	44,145	1,086	3,235	48,466	634	19	58	711	62,854	1,794	3,703	68,351	117,528
TOTAL AMOUNT of STORES EXPORTED £.	223,776	6,369	10,387	240,532	125,417	3,763	3,509	132,689	143,653	4,215	5,574	153,442	526,663

	£.
Cost of Stores	492,846
Establishment and Shipping Charges	14,347
Freight	19,470
TOTAL INVOICE AMOUNT £.	526,663

No. 35.—ESTIMATE of the Total Income of the Revenue of INDIA, for the Year ending 30th April 1857.

HEADS OF REVENUES AND RECEIPTS.	BENGAL, including newly acquired Territory.						NORTH WESTERN PROVINCES.	PUNJAUB.	MADRAS.	BOMBAY, including SIND and SATTARA.				GRAND TOTAL.
	BENGAL.	Territory ceded by the Burmese.	Pegu and Martaban (annexed).	Nagpore Territory.	Oude Territory.	TOTAL.				BOMBAY.	SIND.	SATTARA.	TOTAL.	
ORDINARY REVENUES:	£.	£.	£.	£.	£.	£.	£.	£.	£.	£.	£.	£.	£.	£.
Land Revenue	3,315,656	168,825	235,500	288,366	993,750	5,002,097	4,753,125	895,781	3,444,825	2,106,095	252,235	228,750	2,587,080	16,682,908
Tributes and Subsidies from Native States	108,453	- -	- -	- -	- -	108,453	- - -	- -	323,103	78,610	- -	- -	78,610	510,166
Excise Duties in Calcutta	43,191	- -	- -	- -	- -	43,191	- - -	- -	- -	- -	- -	- -	- -	43,191
Sayer Revenue	54,581	55,031	28,875	4,941	4,687	148,115	65,625	37,500	- -	87,533	12,435	6,562	106,530	357,770
Abkarry Revenue	261,506	27,488	27,694	19,978	40,219	376,885	234,375	32,813	226,636	- -	- -	- -	- -	870,709
Moturpha (Madras)	- - -	- -	- -	- -	- -	- - -	- - -	- -	100,356	- -	- -	- -	- -	100,356
Small Farms and Licences (Madras)	- - -	- -	- -	- -	- -	- - -	- - -	- -	5,685	- -	- -	- -	- -	5,685
Miscellaneous Receipts in the Revenue Department	11,625	441	2,400	187	1,594	16,247	14,906	4,781	20,241	17,040	8,906	94	26,040	82,215
£.	3,795,012	251,785	294,469	313,472	1,040,250	5,694,988	5,068,031	970,875	4,120,846	2,289,278	273,576	235,406	2,798,260	18,653,000
Customs	1,418,616	8,503	61,125	49,538	- -	1,537,782	58,594	- -	115,563	311,800	5,156	375	317,331	2,029,270
Salt (exclusive of Customs Duty on Salt imported)	956,794	- -	- -	- -	4,219	961,013	515,625	168,750	482,076	234,844	- -	- -	234,844	2,362,308
Opium	3,533,832	- -	- -	- -	- -	3,533,832	- - -	- -	- -	953,437	- -	- -	953,437	4,487,269
Post-Office Collections	40,706	- -	2,325	1,547	4,125	48,703	46,125	12,000	57,113	21,851	3,534	- -	25,385	189,326
Stamp Duties	233,906	956	- -	3,703	10,312	248,877	153,844	20,297	59,498	60,361	- -	4,219	64,580	547,096
Mint Receipts	136,922	- -	- -	- -	- -	136,922	- - -	- -	22,659	53,644	- -	- -	53,644	213,225
Marine and Pilotage Receipts	120,328	2,812	2,212	- -	- -	125,352	- - -	- -	7,340	21,961	1,125	- -	23,086	155,778
Judicial Receipts	102,159	11,316	9,375	722	938	124,510	19,922	9,516	12,759	13,304	7,584	656	21,544	188,251
Revenues of Prince of Wales' Island, Singapore and Malacca	103,619	- -	- -	- -	- -	103,619	- - -	- -	- -	- -	- -	- -	- -	103,619
Revenues and Receipts from the District of Coorg	19,688	- -	- -	- -	- -	19,688	- - -	- -	- -	- -	- -	- -	- -	19,688
Sale of Presents	10,781	- -	- -	- -	- -	10,781	281	3,000	- -	94	12	- -	106	14,168
Interest on Debts due by Native States, and on other Accounts	37,952	- -	- -	- -	- -	37,952	1,875	- -	6,136	13,894	319	- -	14,213	60,176
Electric Telegraph; Receipts	18,375	- -	- -	- -	- -	18,375	- - -	- -	- -	- -	- -	- -	- -	18,375
Toll and Ferry Collections	24,375	- -	- -	- -	- -	24,375	11,719	- -	19,802	11,953	1,294	384	13,631	69,527
Miscellaneous Receipts in the Civil and Political Departments	14,631	1,247	18,788	14,531	1,181	50,378	750	656	1,789	2,219	435	154	2,808	56,381
Total Ordinary Revenues £.	10,567,696	276,619	388,294	383,513	1,061,025	12,677,147	5,876,766	1,185,094	4,905,581	3,988,640	293,035	241,194	4,522,869	29,167,457
Other Resources:														
Unclaimed Estates transferred to the Credit of Government (Acts of the Government of India, No. 5, of 1851, and No. 8, of 1855)	94	- -	- -	- -	- -	94	- - -	- -	14,063	5,625	- -	- -	5,625	19,782
Gain by Exchange, with reference to the fixed rate of 1 *s.* 10½ *d.* the Company's rupee, on remittance transactions between India and London	139,843	- -	- -	- -	- -	139,843	- - -	- -	17,878	- -	- -	- -	- -	157,721
Total Revenues and Receipts of all the Presidencies of India £.	10,707,633	276,619	388,294	383,513	1,061,025	12,817,084	5,876,766	1,185,094	4,937,522	3,994,265	293,035	241,194	4,528,494	29,344,960
Local Indian Surplus						- - -	3,688,406	37,969	—				—	
Local Indian Deficit						1,456,327	- - -	- -	335,795	- -	- -	- -	375,749	
£.						14,273,411	2,188,360	1,147,125	5,273,317				4,904,243	
Excess of Expenditure over Income, including Charges defrayed in England														1,981,062
													£.	31,326,022

No. 36.—ESTIMATE of the TOTAL EXPENDITURE of INDIA, including the CHARGES defrayed in ENGLAND, for the Year ending 30th April 1857.

EXPENDITURE.	BENGAL, including newly acquired Territory.						NORTH WESTERN PROVINCES.	PUNJAUB.	MADRAS.	BOMBAY, including SIND and SATTARA.				GRAND TOTAL.
	BENGAL.	Territory ceded by the Burmese.	Pegu and Martaban (annexed.)	Nagpore Territory.	Oude Territory.	TOTAL.				BOMBAY.	SIND.	SATTARA.	TOTAL.	
	£.	£.	£.	£.	£.	£.	£.	£.	£.	£.	£.	£.	£.	£.
Repayments, Allowances, Refunds and Drawbacks	10,856	441	- -	- -	- -	11,297	6,563	2,344	11,262	24,428	72	47	24,547	56,013
Payments in the realisation of the Revenue, and Allowances and Assignments payable thereout:														
Charges of Collection, and other Payments in the realisation of the Land, Sayer, Abkarry, &c. Revenue	355,424	60,732	46,341	29,736	83,025	575,258	531,984	192,187	614,038	343,861	107,872	32,215	483,948	2,397,415
Charges of Collection of Customs	45,431	2,325	4,969	- -	- -	52,725	8,705	- -	18,545	29,194	1,954	- -	31,148	111,123
Charges of Collection of Salt, including Cost of the Article — Cost	222,291	- -	- -	- -	- -	222,291	- -	- -	50,066	- -	- -	- -	- -	272,357
Charges of Collection of Salt, including Cost of the Article — Charges	135,920	- -	- -	- -	- -	135,920	76,607	25,406	28,806	28,921	- -	- -	28,921	295,660
Charges of Collection of Opium, including Cost of the Article — Cost	1,301,803	- -	- -	- -	- -	1,301,803	- -	- -	- -	7,500	- -	- -	7,500	1,309,303
Charges of Collection of Opium, including Cost of the Article — Charges	141,984	- -	- -	- -	- -	141,984	- -	- -	- -	5,469	- -	- -	5,469	147,453
Charges of Collection of Post-office	55,828	-	6,047	5,091	3,750	70,716	46,688	11,719	48,168	47,360	25,127	- -	72,487	249,778
Charges of Collection of Stamps	17,466	- -	- -	- -	300	17,766	9,141	1,219	5,353	2,822	- -	234	3,056	36,535
Prince of Wales' Island, Singapore and Malacca, Charges of Collection, &c.	4,816	- -	- -	- -	- -	4,816	- -	- -	- -	- -	- -	- -	- -	4,816
Coorg - ditto	7,221	- -	- -	- -	- -	7,221	- -	- -	- -	- -	- -	- -	- -	7,221
£.	2,299,040	63,498	57,357	34,827	87,075	2,541,797	679,688	232,875	776,238	489,555	135,025	32,496	657,076	4,887,674
Allowances and Assignments payable out of the Revenues, in accordance with Treaties or other Engagements	231,888	- -	- -	116,454	52,219	400,561	369,375	99,375	400,918	66,847	43,215	23,438	133,500	1,403,729
Sinking Fund for the Redemption of the Bonds issued to the Creditors of the late Rajah of Tanjore, and Interest thereon, payable out of the Tanjore Revenues	- -	- -	- -	- -	- -	- -	- -	- -	25,903	- -	- -	- -	- -	25,903
Allowances to District and Village Officers, and Enamdars, including Charitable Grants	- -	- -	- -	- -	- -	- -	- -	- -	84,510	823,616	21,122	132,806	977,544	1,062,054
Payments to Claimants upon the Registrar of the Supreme Court (Act of the Government of India, No. 5, of 1851)	1,406	- -	- -	- -	- -	1,406	- -	- -	- -	- -	- -	- -	- -	1,406
TOTAL of the direct Claims and Demands upon the REVENUES, including CHARGES of COLLECTION and COST of SALT and OPIUM	2,532,334	63,498	57,357	151,281	139,294	2,943,764	1,049,063	332,250	1,287,569	1,380,018	199,362	188,740	1,768,120	7,380,766
Charges of the Civil and Political Establishments, including Contingent Charges	1,036,953	- -	16,246	28,767	87,506	1,169,472	330,750	121,172	486,598	349,685	26,474	16,045	392,204	2,500,196
Judicial and Police Charges	678,560	77,868	78,572	56,245	143,006	1,034,251	569,531	306,281	346,014	283,235	67,627	26,775	377,637	2,633,714
Buildings, Roads, and other Public Works, exclusive of Repairs, and of Military Buildings	221,991	- -	93,750	15,750	19,453	350,944	229,828	187,641	257,831	104,944	54,187	30,891	190,022	1,216,266
Military and War Charges	5,591,380	- -	36,656	63,469	165,380	5,856,885	- -	199,687	2,715,679	1,579,485	182,344	3,225	1,765,054	10,537,305
Military Buildings	378,675	- -	47,625	9,375	14,184	449,859	- -	94	88,022	67,706	9,478	150	77,334	615,309
Indian Navy and other Marine Charges	236,350	11,700	99,684	- -	- -	347,734	- -	- -	19,313	208,648	28,284	- -	236,932	603,979
Charges of Prince of Wales Island, Singapore, and Malacca, exclusive of Charges of Collection and other Payments out of the Revenues	62,302	- -	- -	- -	- -	62,302	- -	- -	- -	- -	- -	- -	- -	62,302
Mint Charges	43,151	- -	- -	- -	- -	43,151	- -	- -	14,138	17,253	- -	- -	17,253	74,542
Interest on Debt	2,015,049	- -	- -	- -	- -	2,015,049	9,188	- -	58,153	79,687	- -	- -	79,687	2,102,077
TOTAL CHARGES in INDIA £.	12,796,745	153,066	429,890	324,887	568,823	14,273,411	2,188,360	1,147,125	5,273,317	4,070,661	567,756	265,826	4,904,243	27,786,456

CHARGES DEFRAYED IN ENGLAND:—		
Dividends to Proprietors of East India Stock		627,893
Interest on the Home Bond Debt		155,494
Cost of Coals, and various Expenses connected with Steam Communication		61,889
Payments under the new Postal Arrangements with the Lords of Her Majesty's Treasury		49,887
Transport of Troops and Stores, deducting Freight charged in Invoices		13,563
Furlough and Retired Pay to Military Officers, including Off-reckonings		787,333
Ditto Marine Officers		32,540
Payments on account of Her Majesty's Troops serving in India		250,000
Retiring Pay to Her Majesty's Troops (Act 4 Geo. 4, c. 71) (Three Quarters)		45,060
Charges General, being for the several Home Establishments, and for Civil, Military and Maritime Pensions, Recruiting Charges and Miscellaneous, deducting Charges of Establishment put upon outward Invoices, and Interest realized on Investment of Cash Balances		502,829
Absentee Allowances to Civil Servants of the Indian Establishments		61,237
Annuities of the Madras Civil Fund of 1818		8,886
Retired Pay and Pensions of Persons of the late St. Helena Establishment, not chargeable to the Crown		4,642
Her Majesty's Mission to the Court of Persia (Portion paid by the Company)		12,000
Expenses incurred on account of Convicts transported from India to Van Diemen's Land, repaid to Her Majesty's Government		2,824
Value of Arms taken to India by Her Majesty's Regiments		2,725
Meer Jaffur Ali Khan, the Proportion paid in England of the Sum of 20,000 *l.*, which the Court have consented to pay "in free Gift," in consideration of the Expenses incurred by his residence in England, and with a view to assist in making a further Provision for his Daughters		5,000
	2,623,741	
Invoice Value of Stores consigned to India (partly estimated)	915,822	
		3,539,563
	£.	31,326,022

No. 37.—AN ACCOUNT of the Balances of Public Money in the several Treasuries of Discharged during the Year 1856-57; the Amount of Advances and Repayments on and the Estimated Balances in the

	BEGNAL.	NORTH WESTERN PROVINCES and PUNJAUB.	MADRAS.	BOMBAY.	TOTAL.
	£.	£.	£.	£.	£.
Cash Balances in the Treasuries on the 30th April 1856	5,117,553	2,251,904	2,311,367	2,362,510	12,043,334
Debt to be Incurred:					
Loans, at 3½, 4½ and 5 per cent.	939,994	—	—	—	
Treasury Notes issued	188,194		93,750	750	
Bills outstanding	361,406			468,938	
Receipts on account, Civil, Military and other Service Funds	671,719		278,484	214,950	
Miscellaneous Deposits	2,128,986	2,172,656	491,354	391,010	
Gwalior Contingent, under Treaty of 13th January 1844	168,750	—	—	—	
Sinking Fund, and Interest thereon, for redemption of the Bonds issued to the Creditors of the late Rajah of Tanjore			9,225	—	
Total Debt to be Incurred £.	4,459,049	2,172,656	872,813	1,075,648	8,580,166
Advances to be made by Government, repayable, including Tuccavee Advances	611,176	484,500	455,925	325,576	1,877,177
Supplies from London:					
Bills on the Court, for Interest of India Debt	15,000			281	
Ditto for Interest on Claims on the late Rajah of Tanjore			35,803	—	
Other Bills on the Court	13,125			12,165	
Dividends on Stock of the Transfer Loan, discharged in England	75,000	—	—	—	
Civil Service Annuities, and other Advances made in England, recovered	371,250		192,694	130,392	
Miscellaneous, including Credits to Her Majesty's Government	41,925	4,781	20,850	4,926	
Invoice value of Copper for Coinage	35,156		22,397	25,500	
Receipts on account of Indian Railways, under Deeds of Contract	128,156		16,875	61,884	
Total Supplies from London £.	679,612	4,781	288,619	235,148	1,208,160
Accounts Current between the Presidencies:					
Bills drawn, Remittances of Treasure and Advances and Disbursements (Excess of Credits to other Presidencies at Bengal, Madras and Bombay)	3,514,980		674,160	464,941	4,654,081
Excess of Income over Expenditure		3,726,375			3,726,375
£.	14,382,370	8,640,216	4,602,884	4,463,823	32,089,293

INDIA, on the 30th April 1856; the AMOUNT of DEBT estimated to be Incurred and various Accounts; the SUPPLIES to and from LONDON, and between the several Presidencies; Indian Treasuries, on the 30th April 1857.

	BENGAL.	NORTH WESTERN PROVINCES and PUNJAUB.	MADRAS.	BOMBAY.	TOTAL.
	£.	£.	£.	£.	£.
DEBT to be Discharged:					
Loans, at 5 and 6 per cent.	15,819	—	—	—	
Treasury Notes	175,500			235	
Bills outstanding	368,740			470,250	
Payments on account, Civil, Military and other Service Funds	630,937		538,125	176,184	
Miscellaneous Deposits	1,980,947	2,306,156	578,689	319,315	
Gwalior Contingent, under Treaty of 13th January 1844	142,500	—	—	—	
TOTAL DEBT to be Discharged:	3,314,443	2,306,156	1,116,814	965,984	7,703,397
Advances repayable, including Tuccavee Advances	600,414	473,531	461,760	440,463	1,976,168
SUPPLIES to LONDON:					
Bills drawn by the Court on Indian Treasuries, to be paid	2,306,250		375,000	9,375	
Payments on account of Indian Railways, under Deeds of Contract	943,125		399,375	470,953	
Bills on Her Majesty's Government, to be transmitted	13,003	—	—	—	
Supplies to Her Majesty's Government, repayable in England	193,744		7,059	538,634	
Miscellaneous, including Net Gain by Exchange operations with reference to the fixed rate of 1*s.* 10½*d.* the Company's rupee	163,282		28,238	6,637	
TOTAL SUPPLIES to LONDON £.	3,619,404		809,672	1,025,599	5,454,675
ACCOUNTS Current between the Presidencies:					
Bills to be paid, Remittances of Treasure and Advances and Disbursements (Excess Debits to other Presidencies in the North Western Provinces and Punjaub)		3,865,969			3,865,969
Excess of Expenditure over Income	1,456,327		335,795	375,749	2,167,871
Estimated Cash Balances in the several Treasuries on the 30th April 1857	5,391,782	1,994,560	1,878,843	1,656,028	10,921,213
£.	14,382,370	8,640,216	4,602,884	4,463,823	32,089,293

APPENDIX.

No. 38.—GENERAL ABSTRACT VIEW of the Total Revenues and Charges of INDIA, and as Estimated

HEADS of REVENUE and RECEIPTS.	1853–54.	1854–55.	1855–56.	Estimate, 1856–57.
Ordinary:	£.	£.	£.	£.
Land Revenue	14,848,733	15,066,475	15,935,016	16,682,908
Tributes and Subsidies from Native States	622,701	507,437	498,904	510,166
Excise Duties in Calcutta	31,457	35,464	42,326	43,191
Sayer Revenue	267,991	309,460	343,784	357,770
Abkarry ditto	720,465	737,333	797,225	870,709
Moturpha, Madras	105,850	103,196	101,889	100,356
Small Farms and Licences, Madras	25,998	26,889	22,350	5,685
Miscellaneous Receipts in the Revenue Department	56,951	68,447	98,922	82,215
Customs	1,283,455	1,436,867	1,974,999	2,029,270
Salt (exclusive of Customs Duty on Salt imported)	2,574,740	2,707,175	2,485,736	2,362,308
Opium	4,478,653	4,415,955	4,871,227	4,487,269
Tobacco (Monopoly abolished, Act No. 4, of 1853)	8,398	—	—	—
Post-Office Collections	190,903	188,871	219,795	189,326
Stamp Duties	497,218	508,495	518,203	547,096
Mint Receipts	95,609	73,792	184,903	213,225
Marine and Pilotage Receipts	113,854	127,027	164,013	155,778
Judicial Receipts	133,897	158,907	178,508	188,251
Revenues of Prince of Wales' Island, Singapore and Malacca	72,154	82,329	97,904	103,619
Revenues and Receipts from the District of Coorg	19,717	15,893	20,477	19,688
Ditto ditto Nagpore Territory	—	501,384 *	—	—
Sale of Presents	5,479	8,202	8,858	14,168
Interest on Debts due by Native States, and on other Accounts	63,807	93,397	85,705	60,176
Electric Telegraph Receipts	—	3,695	15,719	18,375
Toll and Ferry Collections	—	—	69,109	69,527
Miscellaneous Receipts in the Civil and Political Departments	18,664	63,624	85,620	56,381
Total Ordinary Revenues £.	26,236,694	27,240,314	28,821,192	29,167,457
Other Receipts:				
Unclaimed Estates transferred to the Credit of Government (Act of the Government of India, No. 5 of 1851, and Act No. 8 of 1855)	3,183	8,432	12,971	19,782
On Account Produce of Assets of the late Government in the Punjaub	25,727	2,693	—	—
Further Receipt on Account Transfer to Rajah Golab Sing of Territory in the Punjaub	3,786	—	—	—
Gain by Exchange with reference to the fixed Rate of 1 *s.* 10½ *d.* the Company's Rupee on Remittance Transactions between India and London	240,795	60,796	57,136	157,721
Total Revenue Receipts of all the Presidencies of India £.	26,510,185	27,312,235	28,891,299	29,344,960
Excess of Expenditure over Income	2,044,117	1,707,364	972,791	1,981,062
£.	28,554,302	29,019,599	29,864,090	31,326,022

* The Receipts and Disbursements of the Nagpore Territory are

APPENDIX.

including the CHARGES disbursed in ENGLAND, for the Years 1853–54, 1854–55, 1855–56, for 1856–57.

	1853–54.	1854–55.	1855–56.	Estimate, 1856–57.
EXPENDITURE:	£.	£.	£.	£.
Repayments: Allowances, Refunds and Drawbacks	134,988	101,606	79,202	56,013
Charges of Collection and other Payments in Realization of the Revenues, including Cost of Salt and Opium, viz.:				
Land, Sayer and Abkarry	2,095,735	2,260,241	2,170,715	2,397,415
Customs	171,336	162,498	116,609	111,123
Salt — Cost	221,449	243,274	261,113	272,357
Salt — Charges	178,069	227,636	313,169	295,660
Opium — Cost	1,229,439	1,128,110	995,005	1,309,303
Opium — Charges	100,134	162,594	161,869	147,453
Tobacco	361	—	—	—
Post-Office	209,253	230,359	241,115	249,778
Stamps	23,879	27,793	30,958	36,535
Prince of Wales' Island, Singapore and Malacca, Charges of Collection, &c.	3,609	4,332	4,032	4,816
Coorg — ditto	7,811	9,637	8,572	7,221
Allowances and Assignments payable out of the Revenues, in accordance with Treaties, or other Engagements	1,305,914	1,277,955	1,244,498	1,403,729
Sinking Fund for Redemption of the Bonds issued to the Creditors of the late Rajah of Tanjore, and Interest thereon, payable out of the Tanjore Revenues	47,053	46,956	47,789	25,903
Allowances to District and Village Officers and Enamdars, including Charitable Grants	1,073,164	1,055,798	1,064,366	1,062,054
Payments to Claimants upon the Registrar of the Supreme Court (Act 5 of 1851)	2,911	6,866	4,940	1,406
TOTAL of the direct Claims and Demands upon the Revenues, including CHARGES of COLLECTION, and Cost of SALT and OPIUM — £.	6,805,105	6,945,655	6,743,952	7,380,766
Charges of the Civil and Political Establishments, including Contingent Charges	1,973,227	2,302,429	2,276,262	2,500,196
Judicial and Police Charges	2,307,165	2,373,051	2,510,799	2,633,714
Buildings, Roads and other Public Works, exclusive of Repairs and of Military Buildings	659,771	1,328,118	1,881,606	1,216,266
Military Charges	10,168,567	9,701,408	10,019,436	10,537,305
Ditto Buildings	292,332	490,860	397,933	615,309
Indian Navy and other Marine Charges	472,696	536,507	598,070	603,979
Charges of Prince of Wales' Island, Singapore and Malacca (exclusive of Charges of Collection, and other Payments out of the Revenues)	56,114	63,667	64,512	62,302
Charges of the Nagpore Territory (exclusive of Charges of Collection, and other Payments out of the Revenues)	- - -	308,791*	—	—
Mint Charges	52,739	48,708	62,573	74,542
Interest on Debt	2,504,297	1,908,670	2,044,318	2,162,077
TOTAL CHARGES in INDIA — £.	25,292,013	26,007,864	26,599,461	27,786,456
Charges disbursed in England, including Invoice Value of Stores consigned to India (Account, No. 40)	3,262,289	3,011,735	3,264,629	3,539,566
£.	28,554,302	29,019,599	29,864,090	31,326,022

* included in 1855–56 and 1856–57, under their separate heads of Account.

No. 39.—GENERAL ABSTRACT ACCOUNT of the CASH TRANSACTIONS of INDIA, for the Years 1853-5 1854-55, 1855-56, and as Estimated for 1856-57.

	1853–54.	1854–55.	1855–56.	Estimate, 1856–57.
	£.	£.	£.	£.
Cash Balances in the several Indian Treasuries at the commencement of each Year	14,427,314	13,188,244	9,534,235	12,043,334
RECEIPTS:				
Debt incurred	33,409,528	11,619,101	10,763,497	8,580,166
Advances recovered and adjusted	3,383,554	1,119,258	1,968,693	1,877,177
Supplies from London, including Credits to Her Majesty's Government	1,603,867	1,175,463	1,365,235	1,208,160
Unadjusted Balance of Supplies between the different Presidencies	- -	- -	- -	788,112
Local Indian Surplus	1,218,172	1,304,371	2,291,838	1,558,504
£.	54,042,435	28,406,437	25,923,498	26,055,453

	1853–54.	1854–55.	1855–56.	Estim 1856-
	£.	£.	£.	£.
PAYMENTS:				
Debt discharged	33,183,100	12,762,264	8,231,642	7,703
Advances recoverable	2,983,964	1,731,545	2,006,552	1,976
Supplies to London, including Debits to Her Majesty's Government	4,418,289	4,158,245	3,364,993	5,454,
Unadjusted Balance of Supplies between the different Presidencies	268,838	220,148	276,977	—
Cash Balances in the several Indian Treasuries on the 30th of April, end of each Year	13,188,244	9,534,235	12,043,334	10,921,
£.	54,042,435	28,406,437	25,923,498	26,055,

No. 40.—A STATEMENT of the CHARGES defrayed in ENGLAND on account of the INDIAN TERRITORY, in th Years comprised in the preceding Accounts.

	1853–54.	1854–55.	1855–56.	1856–57.
	£.	£.	£.	£.
Dividends to Proprietors of East India Stock	632,970	628,335	632,689	627,893
Interest on the Home Bond Debt	112,012	153,518	152,017	155,494
Cost of Coals, and various Expenses connected with Steam Communication, deducting Amount chargeable to Her Majesty's Government	10,611	55,341	69,665	61,889
Her Majesty's Government, on account of the Proportion agreed to be borne by the Company, of the Amount payable under Contract, between Her Majesty's Government and the Peninsular and Oriental Steam Navigation Company, for an extended Communication with India and China	70,000	35,000	14,384	—
Payments under the new Postal Arrangements with the Lords of Her Majesty's Treasury	- - -	- - -	55,378	49,887
Transport of Troops and Stores, deducting Freight charged in Invoices	54,644	68,008	54,897	13,565
Furlough and Retired Pay to Military Officers, including Off-reckonings	653,308	702,010	801,712	787,333
Furlough and Retired Pay to Marine Officers	29,804	30,083	30,774	32,540
Payments on account of Her Majesty's Troops serving in India	* 653,693	250,000	250,000	250,000
Retiring Pay to Her Majesty's Troops (Act 4 Geo. 4, c. 71)	60,000	60,000	60,000	45,000
Charges General: being for the several Home Establishments, and for Civil, Military and Maritime Pensions, Recruiting Charges, and Miscellaneous, deducting Charges of Establishment put upon outward Invoices, and Interest realized on investment of Cash Balances	495,648	546,216	493,834	502,329
Absentee Allowances to Civil Servants of the Indian Establishments	27,440	32,944	53,877	61,237
Annuities of the Madras Civil Fund of 1818	11,400	10,800	10,062	8,886
Retired Pay and Pensions of persons of the late Saint Helena Establishment, not chargeable to the Crown	4,568	4,525	3,125	4,642
Her Majesty's Mission to the Court of Persia (portion paid by the Company)	12,000	12,000	12,000	12,000
Her Majesty's Establishments in China (portion paid by the Company for the Years 1849–50, 1850–51, and 1851–52)	9,056	- - -	20,682	—
Expenses incurred on account of Convicts transported from India to Van Dieman's Land; repaid to Her Majesty's Government	4,606	- - -	9,483	2,824
Value of Arms taken to India by Her Majesty's Regiments	- - -	6,240	10,387	2,725
Grant to Prince Gholam Mahomed, to enable him to return to India in a manner suitable to his rank	- - -	- - -	3,000	—
Meer Jaffur Ali Khan, the proportion paid in England of the sum of 20,000 *l.*, which the Court consented to pay "in Free Gift," in consideration of the Expenses incurred by his Residence in England, and with a view to assist in making a further Provision for his Daughters	- - -	- - -	- - -	5,000
£.	2,841,760	2,595,020	2,737,966	2,623,744
Invoice Value of Stores consigned to India	420,529	416,715	526,663	(partly estimated) 915,822
£.	3,262,289	3,011,735	3,264,629	3,539,566

* This Amount includes a payment of 441,193 *l.*, the balance of claims of Her Majesty's Government up to the 31st March 1848, on account of Queen's Troops serving in India.

No. 41.—GENERAL ABSTRACT VIEW of the Total Revenues and Charges of the BENGAL PRESIDENCY, for Three Years, according to the latest Advices, with an Estimate of the same for the succeeding Year.

HEADS OF REVENUE AND RECEIPTS.	1853-54.	1854-55.	1855-56.	Estimate, 1856-57.
ORDINARY:	£.	£.	£.	£.
Land Revenue	3,333,175	3,330,375	3,336,763	3,315,656
Tributes and Subsidies from Native States	210,055	101,300	100,805	108,453
Excise Duties in Calcutta	31,457	35,464	42,326	43,191
Sayer Revenue	41,686	43,526	48,593	54,581
Abkarry Revenue	230,488	242,682	255,902	261,506
Miscellaneous Receipts in the Revenue Department	5,387	2,663	4,502	11,625
Customs	738,739	837,155	1,311,724	1,418,616
Salt (exclusive of Customs Duty on Salt imported)	1,273,683	1,352,056	1,014,031	956,794
Opium	3,562,509	3,368,771	3,910,985	3,533,832
Post-Office Collections	41,426	38,419	35,514	40,706
Stamp Duties	201,772	208,822	205,994	233,906
Mint Receipts	56,079	39,274	111,425	136,922
Marine and Pilotage Receipts	83,304	95,397	131,113	120,328
Judicial Receipts	67,877	86,496	94,121	102,159
Revenues of Prince of Wales' Island, Singapore and Malacca	72,154	82,329	97,904	103,619
Revenues and Receipts from the District of Coorg	19,717	15,893	20,477	19,688
Sale of Dubar Presents	3,293	4,629	5,960	10,781
Interest on Debts due by Native States, and on other accounts	25,054	25,806	43,724	37,952
Electric Telegraphs; Collections on account Telegraphic Messages	- - -	3,695	15,719	18,375
Ferry Collections	- - -	- - -	26,413	24,375
Miscellaneous Receipts in the Civil and Political Departments	8,007	12,530	13,295	14,631
Receipts from Territory ceded by the Burmese (Account, No. 42)	228,531	268,560	281,766	276,619
Receipts from annexed Provinces of Pegu and Martaban (Account, No. 43)	75,210	217,464	317,010	388,294
Revenues and Receipts from the Nagpore Territory (Account, No. 44)	- - -	501,384	529,127	383,513
Revenues and Receipts from the Oude Territory (Account, No. 44A)	- - -	- - -	201,935	1,061,025
TOTAL ORDINARY REVENUES £.	10,309,603	10,914,690	12,157,128	12,677,147
OTHER RECEIPTS:				
Unclaimed Estates transferred to the Credit of Government (Act of the Government of India, No. 5, of 1851)	3,183	7,357	37	94
Further Receipt on Account transfer to Rajah Golab Sing of Territory in the Punjaub	3,786	—	—	—
Gain by Exchange with reference to the fixed rate of 1 *s.* 10½ *d.* the Company's Rupee, on Remittance Transactions between Bengal and London	203,202	38,588	48,551	139,843
TOTAL REVENUE RECEIPTS of the BENGAL PRESIDENCY £.	10,519,774	10,960,635	12,205,716	12,817,084
Bengal Deficit	2,111,539	1,900,441	702,291	1,456,327
£.	12,631,313	12,861,076	12,908,007	14,273,411

EXPENDITURE:	1853-54.	1854-55.	1855-56.	Estimate, 1856-57.
	£.	£.	£.	£.
Repayments; Allowances, Refunds and Drawbacks	32,768	35,139	3,821	10,856
CHARGES of COLLECTION, and other PAYMENTS in realization of the Revenues, including Cost of Salt and Opium, viz:				
Land, Sayer and Abkarry	357,675	337,239	376,379	355,424
Customs	37,933	40,690	49,936	45,431
Salt — Cost of the Article	161,586	170,460	203,198	222,291
Salt — Charges	103,432	135,023	156,393	135,920
Opium — Cost of the Drug	1,220,645	1,118,940	987,408	1,301,803
Opium — Charges	96,554	156,946	156,441	141,984
Post-Office	47,530	48,564	60,836	55,828
Stamps	9,642	11,270	11,318	17,466
Prince of Wales' Island, Singapore and Malacca; Charges of Collection, &c.	3,609	4,332	4,032	4,816
Coorg; Charges of Collection, &c.	7,811	9,637	8,572	7,221
Allowances and Assignments payable out of the Revenues, in accordance with Treaties or other Engagements	236,893	237,064	228,250	231,888
Payments to Claimants upon the Registrar of the Supreme Court (Act 5, of 1851)	2,911	6,866	4,940	1,406
TOTAL of the direct Claims and Demands upon the REVENUES, including CHARGES of COLLECTION, and Cost of SALT and OPIUM £.	2,318,989	2,312,170	2,251,524	2,532,334
Charges of the Civil and Political Establishments, including Contingent Charges	903,701	1,111,249	984,856	1,036,953
Judicial and Police Charges	627,707	668,098	638,046	678,560
Buildings, Roads and other Public Works, exclusive of Repairs and of Military Buildings	74,496	151,343	243,973	221,991
Military Charges	5,581,622	5,213,955	5,092,172	5,591,380
Military Buildings	205,912	339,794	226,691	378,675
Marine Charges	192,786	209,623	251,988	236,350
Charges of Prince of Wales' Island, Singapore and Malacca (exclusive of Charges of Collection and other Payments out of the Revenues of the Eastern Settlements)	56,114	63,667	64,512	62,302
Mint Charges	26,679	24,115	31,403	43,151
Interest on Debt	2,357,054	1,755,028	1,895,887	2,015,049
Charges in the Territory ceded by the Burmese (Account, No. 42.)	110,556	160,906	124,901	153,066
Charges in the annexed Provinces of Pegu and Martaban (Account, No. 43)	175,697	462,327	455,122	429,890
Charges of the Nagpore Territory (Account, No. 44)	- - -	388,801	348,657	324,887
Charges of the Oude Territory (Account, No. 44A)	- - -	- - -	298,275	568,823
£.	12,631,313	12,861,076	12,908,007	14,273,411

No. 42.—GENERAL ABSTRACT VIEW of the TOTAL REVENUES and CHARGES of the Territory ceded by the BURMESE, or Three Years, according to the latest Advices, with an ESTIMATE of the same for the succeeding Year.

HEADS OF REVENUE AND RECEIPTS.	1853–54.	1854–55.	1855–56.	Estimate, 1856–57.
	£.	£.	£.	£.
Land Revenue	193,868	187,180	169,735	168,825
Sayer Revenue	6,046	44,823	50,597	55,031
Abkarry Revenue	13,818	18,838	22,106	27,488
Miscellaneous Receipts in the Revenue Department	9,557	1,953	230	441
Customs	9,430	28,847	8,503	
Judicial Receipts	4,264	5,282	10,132	11,316
Stamp Duties	978	1,054	119	956
Marine Receipts				2,812
Miscellaneous Receipts in the Civil and Political Departments				1,247
£.	228,531	268,560	281,766	276,619

EXPENDITURE:	1853–54.	1854–55.	1855–56.	Estimate, 1856–57.
	£.	£.	£.	£.
Repayments; Allowances, Refunds, and Drawbacks	630	142	267	441
Charges of Collection, and other Payments in realization of the Revenues, viz.:				
Land, Sayer and Abkarry	38,868	98,409	45,419	60,732
Customs			2,094	2,325
Judicial and Police Charges	71,058	62,355	77,121	77,868
Marine Charges				11,700
£.	110,556	160,906	124,901	153,066

No. 43.—GENERAL ABSTRACT VIEW of the TOTAL REVENUES and CHARGES of the annexed Provinces of PEGU and MARTABAN, for Three Years, according to the latest Advices, with an ESTIMATE of the same for the succeeding Year.

HEADS OF REVENUE AND RECEIPTS:	1853–54.	1854–55.	1855–56.	Estimate, 1856–57.
	£.	£.	£.	£.
Land Revenue	38,981	110,770	170,590	235,500
Sayer Revenue	8,226	14,452	28,750	28,875
Abkarry Revenue	8,876	12,411	17,322	27,694
Miscellaneous Receipts in the Revenue Department		293	268	2,400
Customs	14,437	36,821	52,443	61,125
Post-Office Collections	235	1,338	2,184	2,325
Judicial Receipts	2,735	5,558	8,225	9,375
Marine Receipts	1,192	384	534	2,212
Miscellaneous Receipts in the Civil and Political Departments	528	35,437	36,550	18,788
Ferry Collections			144	—
£.	75,210	217,464	317,010	388,294

EXPENDITURE:	1853–54.	1854–55.	1855–56.	Estimate, 1856–57.
	£.	£.	£.	£.
Charges of Collection and other Payments in realization of the Revenues, viz.:				
Land, Sayer and Abkarry	58,587	128,870	63,550	46,341
Customs	3,777	3,931	4,334	4,969
Post Office	2,241	5,385	5,944	6,047
£.	64,605	138,186	73,828	57,357
Charges of the Civil and Political Establishments, including Contingent Charges	4,429	11,726	46,657	16,246
Judicial and Police Charges	23,289	44,245	103,296	78,572
Buildings, Roads, and other Public Works, exclusive of Repairs and of Military Buildings	5,197	129,901	225,696	93,750
Military Charges		9,825	14,099	36,656
Military Buildings	23,768	30,475	46,634	47,625
Marine Charges	54,409	97,969	111,701	99,634
	175,697	462,327	621,911	429,890
Deduct—Revenue Charges of former year re-credited £.			166,789	
			455,122	

No. 44.—GENERAL ABSTRACT VIEW of the TOTAL REVENUES and CHARGES of the NAGPORE TERRITORY, for the Years 1854–55 and 1855–56, according to the latest Advices, with an ESTIMATE of the same for the succeeding Year.

HEADS OF REVENUE AND RECEIPTS:	1854–55.	1855–56.	Estimate, 1856–57.
	£.	£.	£.
Land Revenue	326,363	395,107	288,366
Sayer Revenue	53,301	22,395	4,941
Abkarry Revenue	15,709	18,124	19,978
Miscellaneous Receipts in the Revenue Department	21,859	7,789	187
Customs	- -	51,979	49,538
Post-Office Collections	- -	850	1,547
Stamps	- -	2,900	3,703
Judicial Receipts	- -	- -	722
Miscellaneous Receipts in the Civil and Political Departments	- -	525	14,531
£.	417,232	499,669	383,513
Cash, &c. found in the Treasury of the deceased Rajah, and Sale proceeds of late Government Property	84,152	29,458	—
£.	501,384	529,127	383,513

EXPENDITURE:	1854–55.	1855–56.	Estimate, 1856–57.
	£.	£.	£.
Charges of Collection, and other Payments in realization of the Revenues, viz.:			
Land, Sayer and Abkarry	42,520	36,049	29,736
Customs	- -	1,443	—
Post Office	- -	1,559	5,091
Allowances and Assignments payable out of the Revenues	37,490	94,448	116,454
£.	80,010	133,499	151,281
Charges of the Civil and Political Establishments, including Contingent Charges	- -	63,383	28,767
Judicial and Police Charges	308,791	70,632	56,245
Buildings, Roads, and other Public Works (exclusive of Repairs)	- -	169	15,750
Military Charges; Local Corps	- -	80,173	63,469
Military Buildings	- -	801	9,375
£.	388,801	348,657	324,887

No. 44 A.—GENERAL ABSTRACT VIEW of the TOTAL REVENUES and CHARGES of the OUDE TERRITORY, for the Year 1855–56, according to the latest Advices, with an ESTIMATE of the same for the succeeding Year.

HEADS OF REVENUE AND RECEIPTS:	1855–56.	Estimate, 1856–57.
	£.	£.
Land Revenue	198,617	993,750
Sayer Revenue	59	4,687
Abkarry Revenue	1,663	40,219
Miscellaneous Receipts in the Revenue Department	116	1,594
Salt	- -	4,219
Post-Office Collections	694	4,125
Stamps	567	10,312
Judicial Receipts	35	938
Miscellaneous Receipts in the Civil and Political Departments	184	1,181
£.	201,935	1,061,025

EXPENDITURE:	1855–56.	Estimate, 1856–57.
	£.	£.
Charges of Collection, and other Payments in realization of the Revenues, viz.:		
Land, Sayer and Abkarry	6,144	83,025
Post Office	558	3,750
Stamps	- -	300
Allowances and Assignments payable out of the Revenues	- -	52,219
£.	6,702	139,294
Charges of the Civil and Political Establishments, including Contingent Charges	3,653	87,506
Judicial and Police Charges	8,215	143,006
Buildings, Roads, and other Public Works, exclusive of Repairs, and of Military Buildings	94,938	19,453
Military Charges (Local Corps), including Arrears of Pay to Troops of the late Government	177,242	165,380
Military Buildings	7,525	14,184
£.	298,275	568,823

No. 45.—GENERAL ABSTRACT VIEW of the TOTAL REVENUES and CHARGES of the NORTH WESTERN PROVINCES, for Three Years, according to the latest Advices, with an ESTIMATE of the same for the succeeding Year.

HEADS OF REVENUE AND RECEIPTS:	1853-54.	1854-55.	1855-56.	Estimate, 1856-57.
	£.	£.	£.	£.
Land Revenue	4,690,300	4,697,673	4,687,029	4,753,125
Sayer Revenue	65,361	64,583	48,595	65,625
Abkarry Revenue	228,031	229,695	235,201	234,375
Miscellaneous Receipts in the Revenue Department	12,080	25,459	39,438	14,906
Customs	104,442	121,184	72,804	58,594
Receipts from Salt (Duties)	440,168	467,929	514,907	515,625
Post-Office Collections	63,778	67,279	81,827	46,125
Stamp Duties	156,748	161,313	158,646	153,844
Judicial Receipts	20,828	21,817	19,344	19,922
Sale of Presents	1,273	268	245	281
Interest on Tuccavee Advances, and on other accounts	2,033	2,187	1,725	1,875
Toll Collections, Act 8 of 1851	- -	- -	8,581	11,719
Miscellaneous Receipts in the Civil and Political Departments	1,571	3,989	414	750
£.	5,786,613	5,863,376	5,868,756	5,876,766

EXPENDITURE:	1853-54.	1854-55.	1855-56.	Estimate, 1856-57.
	£.	£.	£.	£.
Repayments, Allowances, Refunds and Drawbacks	30,876	19,687	16,912	6,563
Charges of Collection and other Payments in realization of the Revenues, viz.:				
Land, Sayer and Abkarry	477,620	520,236	550,076	531,984
Customs	67,891	71,570	10,353	8,705
Salt	7,065	9,873	73,229	76,607
Post-Office	47,185	50,808	41,735	46,688
Stamps	5,622	7,301	9,200	9,141
Allowances and Assignments payable out of the Revenues, in accordance with Treaties or other Engagements	381,757	357,714	380,710	369,375
TOTAL of the Direct Claims and Demands upon the REVENUES, including CHARGES of COLLECTION £.	1,018,016	1,037,189	1,082,215	1,049,063
Charges of the Civil and Political Establishments, including Contingent Charges	154,176	247,837	232,850	330,750
Judicial and Police Charges	543,998	574,805	581,476	569,531
Buildings, Roads, and other Public Works, exclusive of Repairs and of Military Buildings	350,314	240,690	475,403	229,828
Interest on Debt	17,295	10,991	3,172	9,188
	2,083,799	2,111,512	2,375,116	2,188,360
NORTH WESTERN PROVINCES - Surplus	3,702,814	3,751,864	3,493,640	3,688,406
£.	5,786,613	5,863,376	5,868,756	5,876,766

	1853-54.	1854-55.	1855-56.	Estimate, 1856-57.
	£.	£.	£.	£.
Brought down - North Western Provinces Surplus	3,702,814	3,751,864	3,493,640	3,688,406
Punjaub, Surplus (No. 46)	191,620	- - -	- - -	37,969
Ditto - Deficit - (ditto)	- - -	119,384	105,675	—
TOTAL NET SURPLUS, NORTH WESTERN PROVINCES, including the annexed Territory	3,894,434	3,632,480	3,387,965	3,726,375

The Military Charges of the North Western Provinces are included amongst the Military Charges of Bengal.

No. 46.—GENERAL ABSTRACT VIEW of the TOTAL REVENUES and CHARGES of the PUNJAUB and TRANS-INDUS TERRITORY, for Three Years, according to the latest Advices, with an ESTIMATE of the same for the succeeding Year.

HEADS of REVENUE and RECEIPTS.	1853-54.	1854-55.	1855-56.	Estimate, 1856-57.
ORDINARY:	£.	£.	£.	£.
Land Revenue	891,093	899,978	894,698	895,781
Sayer Revenue	35,300	32,417	36,391	37,500
Abkarry Revenue	31,200	32,319	37,663	32,813
Miscellaneous Receipts in the Revenue Department	2,757	3,012	3,528	4,781
Receipts from Salt (produce of Salt Mines)	187,875	203,610	190,876	168,750
Post-Office Collections	15,966	17,048	22,459	12,000
Stamp Duties	15,123	17,130	18,907	20,297
Judicial Receipts	6,653	7,741	9,568	9,516
Sale of Presents	816	2,364	2,390	3,000
Miscellaneous Receipts in the Civil and Political Departments	3,061	7,699	12	656
TOTAL ORDINARY REVENUES £.	1,189,844	1,223,318	1,216,492	1,185,094
OTHER RESOURCES:				
Sale Proceeds of Assets of the late Government in the Punjaub, and Recoveries on account of that Government, &c.	25,727	2,693	—	—
£.	1,215,571	1,226,011	1,216,492	1,185,094
PUNJAUB Deficit	- - -	119,384	105,675	—
£.	1,215,571	1,345,395	1,322,167	1,185,094

EXPENDITURE:	1853-54.	1854-55.	1855-56.	Estimate, 1856-57.
	£.	£.	£.	£.
Repayments, Allowances, Refunds, and Drawbacks	3,615	3,444	2,761	2,344
Charges of Collection, and other Payments in realization of the Revenue, viz.:				
Land, Sayer and Abkarry	139,392	163,649	188,930	192,187
Salt	26,180	25,159	25,152	25,406
Post-Office	13,112	13,381	11,623	11,719
Stamps	617	910	1,128	1,219
Allowances and Assigments payable out of the Revenues, in accordance with Treaties or other Engagements	144,578	131,067	105,128	99,375
TOTAL of the direct Claims and Demands upon the REVENUES, including CHARGES of COLLECTION £.	327,494	337,610	334,722	332,250
Charges of the Civil and Political Establishments, including Contingent Charges	76,855	128,104	105,000	121,172
Judicial and Police Charges	327,309	307,453	303,692	306,281
Buildings, Roads, and other Public Works, exclusive of Repairs and of Military Buildings	77,159	341,891	379,202	187,641
Military Charges	215,134	206,689	199,183	199,687
Military Buildings	- - -	23,648	368	94
£.	1,023,951	1,345,395	1,322,167	1,147,125
PUNJAUB Surplus	191,620	- - -	- - -	37,969
£.	1,215,571	1,345,395	1,322,167	1,185,094

No. 47.—GENERAL ABSTRACT VIEW of the Total Revenues and Charges of the MADRAS PRESIDENCY, for Three Years, according to the latest Advices, with an Estimate of the same for the succeeding Year.

HEADS OF REVENUE AND RECEIPTS.	1853–54.	1854–55.	1855–56.	Estimate, 1856–57.
ORDINARY:	£.	£.	£.	£.
Land Revenue	3,216,617	3,176,613	3,414,611	3,444,825
Tributes and Subsidies from Native States	323,103	323,103	323,103	323,103
Abkarry	208,052	201,388	209,244	226,636
Small Farms and Licences	25,998	26,889	22,350	5,685
Moturpha	105,850	103,196	101,889	100,356
Miscellaneous Receipts in the Revenue Department	18,737	26,948	18,394	20,241
Customs	120,242	110,932	130,714	115,563
Sale of Salt	450,200	456,993	507,734	482,076
Sale of Tobacco	8,398	—	—	—
Post-Office Collections	38,805	37,505	55,521	57,113
Stamp Duties	54,510	57,440	66,855	59,498
Mint Receipts	14,074	7,931	18,640	22,659
Marine Receipts	6,194	6,918	7,814	7,340
Judicial Receipts	11,042	11,132	14,389	12,759
Interest on Debt due by Native States, and on other Accounts	32,346	50,933	26,479	6,136
Toll and Ferry Collections	-	-	19,802	19,802
Miscellaneous Civil Receipts	3,162	1,950	1,792	1,789
Unclaimed Estates, transferred to the Credit of Government, under sect. 51, Act 8, of 1855	-	-	8,820	14,063
Gain by Exchange, with reference to the fixed rate of 1 *s.* 10½ *d.* the Company's Rupee on Remittance Transactions between Madras and London	37,640	21,391	8,720	17,878
£.	4,674,970	4,621,262	4,956,871	4,937,522
MADRAS Deficit	223,821	460,332	234,224	335,795
£.	4,898,791	5,081,594	5,191,095	5,273,317

EXPENDITURE:	1853–54.	1854–55.	1855–56.	Estimate, 1856–57.
	£.	£.	£.	£.
Repayments; Allowances, Refunds and Drawbacks	36,606	12,910	13,194	11,262
Charges of Collection, and other Payments in the realization of the Revenues, including Cost of Salt, viz.:				
Land, Abkarry and Moturpha, &c.	646,541	585,695	627,620	614,038
Customs	19,804	18,825	18,810	18,545
Tobacco	361	—	—	—
Salt — Cost of the Article	59,863	72,814	57,915	50,066
Salt — Charges	24,277	29,754	29,085	28,806
Post-Office	40,026	47,089	44,185	48,168
Stamps	4,844	5,009	6,107	5,353
Allowances and Assignments payable out of the Revenues, in accordance with Treaties or other Engagements	395,333	381,310	301,668	400,918
Allowances to District and Village Officers, including Charitable Grants	84,749	81,900	86,035	84,510
Sinking Fund for redemption of the Bonds issued to the Creditors of the late Rajah of Tanjore, and Interest thereon, payable out of the Tanjore Revenues	47,053	46,956	47,789	25,903
Total of the direct Claims and Demands upon the Revenues, including Charges of Collection and Cost of Salt £.	1,359,457	1,282,262	1,232,408	1,287,569
Charges of the Civil and Political Establishments, including Contingent Charges	409,464	378,456	444,438	486,598
Judicial and Police Charges	323,787	332,861	339,041	346,014
Buildings, Roads, and other Public Works, exclusive of Repairs and of Military Buildings	52,689	383,750	291,039	257,831
Military Charges	2,654,712	2,568,389	2,722,386	2,715,679
Military Buildings	19,883	44,565	70,532	88,022
Marine Charges	13,128	14,801	12,416	19,313
Mint Charges	11,189	11,074	12,068	14,138
Interest on Debt	54,482	65,436	66,767	58,153
£.	4,898,791	5,081,594	5,191,095	5,273,317

No. 48.—GENERAL ABSTRACT VIEW of the Total Revenues and Charges of the BOMBAY PRESIDENCY, for Three Years, according to the latest Advices, with an Estimate of the same for the succeeding Year.

HEADS OF REVENUE AND RECEIPTS.	1853–54.	1854–55.	1855–56.	Estimate, 1856–57.
ORDINARY:	£.	£.	£.	£.
Land Revenue	2,064,924	2,127,672	2,157,704	2,106,095
Tributes and Subsidies from Native States	89,543	83,034	74,996	78,610
Sayer	83,703	84,253	85,459	87,533
Miscellaneous Receipts in the Revenue Department	6,473	7,534	24,297	17,040
Customs	299,471	315,653	319,759	311,800
Receipts from Salt (Excise Duty)	222,814	226,587	258,188	234,844
Opium	916,144	1,047,184	960,242	953,437
Post-Office Collections	26,756	23,776	17,556	21,851
Stamp Duties	62,979	59,167	59,928	60,361
Mint Receipts	25,456	26,587	54,838	53,644
Marine and Dock Dues	22,157	23,223	23,311	21,961
Judicial Receipts	12,134	12,288	13,475	13,304
Sale of Presents	- -	915	251	94
Interest on Tuccavee Advances, and on other Accounts	4,374	13,772	13,289	13,894
Toll and Ferry Collections	- -	- -	12,244	11,953
Miscellaneous Receipts in the Civil and Political Departments	1,991	1,640	2,699	2,219
Receipts of the Province of Sind (Account, No. 49)	230,103	325,637	309,422	293,035
Receipts of the Sattara State (Account, No. 50)	244,282	260,137	251,827	241,194
Unclaimed Estates paid over under Act of the Government of India, No. 8, of 1855)	- -	1,075	4,114	5,625
	4,313,304	4,640,134	4,643,599	4,528,494
Exchange, with reference to the fixed rate of 1*s.* 10½*d.* the Company's Rupee, on Remittance Transactions between Bombay and London	*Net Loss,* 47	Net Gain, 817	*Net Loss,* 135	—
	4,313,257	4,640,951	4,643,464	4,528,494
BOMBAY Deficit	340,902	- -	159,612	375,749
£.	4,654,159	4,640,951	4,803,076	4,904,243

EXPENDITURE:	1853–54.	1854–55.	1855–56.	Estimate, 1856–57.
	£.	£.	£.	£.
Repayments; Allowances, Refunds and Drawbacks	30,330	29,463	38,576	24,428
Charges of Collection and other Payments in the realization of the Revenues, including Cost of Opium:				
Land and Sayer Revenues	293,449	298,387	328,679	343,861
Customs	39,793	25,360	27,901	29,194
Opium — Cost of the Opium purchased	8,794	9,170	7,597	7,500
Opium — Charges	3,580	5,648	5,428	5,469
Salt	17,115	27,827	29,310	28,921
Post-Office	40,443	44,174	48,963	47,360
Stamps	2,912	3,066	2,999	2,822
Allowances and Assignments payable out of the Revenues, in accordance with Treaties or other Engagements	77,682	71,450	68,726	66,847
Allowances to District and Village Officers and Enamdars, including Charitable Grants	850,142	827,513	821,647	823,616
Total of the direct Claims and Demands upon the Revenues, including Charges of Collection	1,364,240	1,342,058	1,379,826	1,380,018
Charges of the Civil and Political Establishments, including Contingent Charges	386,437	385,563	348,228	349,685
Judicial and Police Charges	288,627	290,423	291,764	283,235
Buildings, Roads, and other Public Works, exclusive of Repairs and of Military Buildings	25,387	22,533	118,833	104,944
Military Charges	1,529,203	1,515,276	1,549,606	1,579,485
Military Buildings	15,165	34,142	27,485	67,706
Indian Navy and other Marine Charges	202,387	202,110	189,267	208,648
Mint Charges	14,871	13,519	19,102	17,253
Interest on Debt	75,466	77,215	78,492	79,687
Charges in the Province of Sind (Account, No. 49)	507,652	491,291	549,914	567,756
Charges in the Sattara State (Account, No. 50)	244,724	234,157	250,559	265,826
	4,654,159	4,608,287	4,803,076	4,904,243
BOMBAY Surplus	- -	32,664	—	—
£.	4,654,159	4,640,951	4,803,076	4,904,243

No. 49.—GENERAL ABSTRACT VIEW of the TOTAL REVENUES and CHARGES of the PROVINCE of SIND, for Three Years, according to the latest Advices, with an ESTIMATE of the same for the succeeding Year.

HEADS OF REVENUE AND RECEIPTS:	1853–54.	1854–55.	1855–56.	Estimate, 1856–57.
	£.	£.	£.	£.
Land Revenue	195,746	293,065	272,599	252,235
Sayer Revenue	17,050	15,473	14,856	12,435
Miscellaneous Receipts in the Revenue Department	1,960	558	262	8,906
Customs	3,875	3,346	5,958	5,156
Post-Office Collections	3,937	3,506	3,190	3,534
Marine Receipts, Lighthouse, Anchorage and Pilotage Dues	1,007	1,105	1,241	1,125
Judicial Receipts	6,191	7,569	8,528	7,584
Sale of Presents	97	26	12	12
Interest on Advances, &c.	- - -	699	486	319
Ferry Collections	- - -	- - -	1,747	1,294
Miscellaneous Receipts in the Civil and Political Departments	240	290	543	435
£.	230,103	325,637	309,422	293,035

EXPENDITURE:	1853–54.	1854–55.	1855–56.	Estimate, 1856–57.
	£.	£.	£.	£.
Repayments; Allowances, Refunds and Drawbacks	125	466	3,426	72
Charges of Collection, and other Payments in the realization of the Revenues, viz.:				
Land and Sayer	60,605	63,161	87,001	107,872
Customs	2,138	2,122	1,738	1,954
Post-Office	18,716	20,958	25,712	25,127
Allowances and Assignments payable out of the Revenues, in accordance with Treaties or other Engagements	45,542	37,518	41,584	43,215
Allowances to Enamdars, &c., including Charitable Grants	559	7,017	22,389	21,122
TOTAL of the direct Claims and Demands upon the REVENUES, including CHARGES of COLLECTION £.	127,685	131,242	181,850	199,362
Charges of the Civil and Political Establishments, including Contingent Charges	20,913	26,392	29,870	26,474
Judicial and Police Charges	60,995	62,121	68,916	67,627
Buildings, Roads, and other Public Works, exclusive of Repairs and of Military Buildings	74,144	56,551	36,639	54,187
Military Charges	186,325	185,184	182,141	182,344
Military Buildings	27,604	17,797	17,800	9,478
Marine Charges	9,986	12,004	32,698	28,284
£.	507,652	491,291	549,914	567,756

No. 50.—GENERAL ABSTRACT VIEW of the Total Revenues and Charges of the Province of SATTARA, for Three Years, according to the latest Advices, with an Estimate of the same for the succeeding Year.

HEADS OF REVENUE AND RECEIPTS:	1853–54.	1854–55.	1855–56.	Estimate, 1856–57.
	£.	£.	£.	£.
Land Revenue	224,029	243,149	237,563	228,750
Sayer Revenue	10,619	9,933	8,089	6,562
Miscellaneous Receipts in the Revenue Department	-	27	98	94
Customs	2,249	2,346	771	375
Stamp Duties	5,108	3,569	4,287	4,219
Judicial Receipts	2,173	1,024	691	656
Interest on Advances, &c.	-	-	2	—
Toll and Ferry Collections	-	-	178	384
Miscellaneous Receipts in the Civil and Political Departments	104	89	148	154
£.	244,282	260,137	251,827	241,194

EXPENDITURE:	1853–54.	1854–55.	1855–56.	Estimate, 1856–57.
	£.	£.	£.	£.
Repayments; Allowances, Refunds and Drawbacks	38	355	245	47
Charges of Collection, and other Payments in the realization of the Revenues, viz.:				
Land and Sayer	22,998	22,075	27,657	32,215
Stamps	242	237	206	234
Allowances and Assignments payable out of the Revenues, in accordance with Treaties or other Engagements	24,129	24,342	23,984	23,438
Allowances to District and Village Officers and Enamdars, including Charitable Grants	137,714	139,368	134,295	132,806
Total of the direct Claims and Demands upon the Revenues, including Charges of Collection £.	185,121	186,377	186,387	188,740
Charges of the Civil and Political Establishments, including Contingent Charges	17,252	13,102	17,327	16,045
Judicial and Police Charges	40,395	30,690	28,600	26,775
Buildings, Roads, and other Public Works, exclusive of Repairs and of Military Buildings	385	1,459	15,714	30,891
Military Charges	1,571	2,090	2,434	3,225
Military Buildings	-	439	97	150
£.	244,724	234,157	250,559	265,826

East India House,
4 June 1857.

(Errors excepted.)

JAMES C. MELVILL,
Secretary.

EAST INDIA

(TERRITORIAL REVENUES AND DISBURSEMENTS).

ACCOUNTS

RESPECTING THE

TERRITORIAL REVENUES AND DISBURSEMENTS

OF

THE EAST INDIA COMPANY,

FOR THE

YEAR 1855/56;

WITH AN ESTIMATE FOR THE SUCCEEDING YEAR,

AND

APPENDICES.

(Presented to Parliament pursuant to Act 3 & 4 WILL. IV., c. 85.)

Ordered, by The House of Commons, *to be Printed*,
26 *June* 1857.

[*Price* 9*d.*]

135—Sess. 2.

Under 12 *oz.*

EAST INDIA (AREA, POPULATION, &c.)

RETURN to an Order of the Honourable The House of Commons, dated 23 July 1857;—*for*,

A RETURN "of the AREA and POPULATION of each Division of each Presidency of *India*, from the latest Inquiries; comprising, also, the Area and estimated Population of Native States."

East India House,
27 July 1857.

JAMES C. MELVILL,
Secretary.

(*Colonel Sykes.*)

Ordered, by The House of Commons, *to be Printed*,
28 *July* 1857.

BRITISH STATES.

UNDER THE ADMINISTRATION OF	DIVISION.	DISTRICT.	AREA		POPULATION.			
					Hindoo.			
					Agricultural.		Non-Agricultural.	
			Of each District.	Of each Division.	Males.	Females.	Males.	Females.
			Sq. Miles.	*Sq. Miles.*				
The Governor-General of India in Council.	Punjab—Lahore	Lahore	2,826		60,371	42,873	67,521	41,680
		Umritsur	2,024		130,449	88,847	115,007	86,908
		Goordaspoor	1,675		120,245	83,521	112,380	90,821
		Goojranwalla	3,752		41,632	29,227	58,623	47,348
		Sealkote	1,350		62,321	45,871	96,765	66,068
	Jhelum	Rawul Pindee	5,996		8,431	7,347	34,364	23,120
		Jhelum	5,350		6,989	5,751	28,383	22,352
		Goojrat	1,916		29,230	22,821	24,921	20,425
		Shahpore	3,500		3,038	2,703	20,904	18,691
	Mooltan	Mooltan	5,634		10,783	8,872	37,005	25,940
		Jhung	5,718		10,856	8,720	14,006	11,929
		Googaira	4,142		23,212	18,056	18,090	14,051
	Leia	Leia	6,122		8,668	7,461	14,260	12,140
		Khangurh	1,027		8,529	6,943	10,990	8,625
		Dehra Gazee Khan	4,000		6,743	5,802	16,047	10,806
		Dehra Ismael Khan	4,123		6,899	5,338	15,574	11,159
	Peshawur	Peshawur	2,324		346	228	34,446	11,545
		Hazarah	2,424		1,887	1,803	10,124	5,623
		Kohat	2,840		253	20	3,993	1,364
	Jullundur	Jullundur	1,381		107,891	77,560	114,796	90,252
		Hoshyarpoor	2,204		201,102	160,576	110,360	93,455
		Kangra	3,207		284,045	241,679	79,124	63,398
				73,535				
	Cis-Sutlej States	Umballah	1,832		170,917	126,396	147,236	117,898
		Thaneysur	2,336		123,780	95,719	79,691	72,437
		Loodiana	1,377		108,091	83,349	77,525	62,346
		Ferozepore	2,545		111,441	87,234	41,844	25,626
				8,090				
	Oude			25,000				
	Nagpore, or Berar			76,432				
	Pegu	Rangoon	9,800					
		Bassein	8,900					
		Prome	5,500					
		Henzadu	2,200					
		Toungoo	3,950					
		Tharawaddy	1,950					
				32,250				
	Tenasserim Provinces.	Amherst						
		Tavoy		29,168				
		Ye						
		Mergui						
	EASTERN STRAITS SETTLEMENTS.							
	Penang		160					
	Prov. Wellesley		140					
			300					
	Singapore		275					
	Malacca		1,000					
				1,575				
	TOTAL under the direct administration of the Governor-General of India in Council			246,050				

- - - - - - BRITISH STATES.

POPULATION.

Mahomedan, and others not Hindoo.				Total.				Total.		Total of each District.	Total of each Division.
Agricultural.		Non-Agricultural.		Agricultural.		Non-Agricultural.					
Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.		
82,503	68,426	126,748	101,561	142,874	111,299	194,269	148,241	337,143	254,540	591,683	
84,318	69,039	168,643	141,218	214,767	157,886	283,650	228,126	498,417	386,012	884,429	
101,648	84,376	103,464	90,962	221,893	167,897	215,844	181,783	437,737	349,680	787,417	
90,697	72,956	114,229	98,671	132,329	102,183	172,852	146,019	305,181	248,202	553,383	
110,500	93,707	84,988	81,562	172,821	139,578	181,753	147,630	354,574	287,208	641,782	
182,316	163,836	77,675	56,661	190,747	171,183	112,039	79,781	302,786	250,964	553,750	
129,095	120,915	61,652	54,283	136,084	126,666	90,035	76,635	226,119	203,301	429,420	
187,300	161,405	38,086	33,438	216,530	184,226	63,007	53,863	279,537	238,089	517,626	
60,229	49,818	55,388	50,926	63,262	52,521	76,292	69,617	139,554	122,138	261,692	
94,592	75,984	87,043	71,167	105,375	84,856	124,048	97,107	229,423	181,963	411,386	
80,572	62,549	33,715	29,422	91,428	71,269	47,721	41,351	139,149	112,620	251,769	
72,075	51,173	62,256	49,107	95,287	69,229	80,346	63,158	175,633	132,387	308,020	
82,299	70,632	61,580	52,656	90,967	78,093	75,840	64,796	166,807	142,889	309,696	
59,274	49,477	37,612	30,470	67,803	56,420	48,602	39,095	116,405	95,515	211,920	
65,479	53,065	46,362	34,660	72,222	58,867	62,409	45,466	134,631	104,333	238,964	
108,147	98,376	62,978	53,570	115,046	103,714	78,552	64,729	193,598	168,443	362,041	
115,471	100,259	104,718	83,086	115,817	100,487	139,164	94,631	254,9 81	195,118	450,099	
107,277	95,360	42,573	31,717	109,164	97,163	52,697	37,340	161,861	134,503	296,364	
36,970	32,236	15,740	10,656	37,223	32,256	19,733	12,020	56,956	44,276	101,232	
94,906	81,763	75,527	66,033	202,797	159,323	190,323	156,285	393,120	315,608	708,728	
88,810	75,263	61,342	54,446	289,912	235,839	171,702	147,901	461,614	383,740	845,354	
8,676	7,338	19,544	15,151	292,721	249,017	98,668	78,549	391,389	327,566	718,955	
											10,435,710
63,847	51,909	58,559	45,255	234,764	178,305	205,795	163,153	440,559	341,458	782,017	
38,252	32,046	29,606	25,217	162,032	127,765	109,297	97,654	271,329	225,419	496,748	
52,417	43,202	54,666	46,126	160,508	126,551	132,191	108,472	292,699	235,023	527,722	
65,796	56,170	49,629	37,884	177,237	143,404	91,473	63,510	268,710	206,914	475,624	
											2,282,111
- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	5,000,000
- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	4,650,000
- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	137,130	
- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	128,189	
- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	100,000	
- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	103,775	
- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	34,957	
- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	66,129	
											570,180
- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	115,431
- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	91,098	
- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	57,421	
- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	54,021	
											202,540
											23,235,972

BENGAL.

UNDER THE ADMINISTRATION OF	DIVISION.	DISTRICT.	AREA		POPULATION.			
			Of each District.	Of each Division.	Males.	Females.	Total of each District.	Total of each Division.
			Sq. Miles.	*Sq. Miles.*				
The Lieutenant-Governor of Bengal.	Patna - -	Patna - - - -	1,828				1,200,000	
		Shahabad - - - -	4,403				1,600,000	
		Behar - - - -	5,694				2,500,000	
		Sarun with Chumparun -	6,394				1,700,000	
				18,319				7,000,000
	Bhaugulpore -	Bhaugulpore - - -	7,803				2,000,000	
		Dinajpore - - - -	3,820				1,200,000	
		Monghyr - - - -	3,592				800,000	
		Poorneah - - - -	5,712				1,600,000	
		Tirhoot - - - -	6,114				2,400,000	
		Maldah - - - -	1,288				431,000	
				28,329				8,431,000
	Moorshedabad	Moorshedabad - - -	1,856				1,045,000	
		Bagoorah - - - -	2,160				900,000	
		Rungpore - - - -	4,130				2,559,000	
		Rajishahye - - -	2,084				671,000	
		Pubna - - - -	2,606				600,000	
		Beerbhoom - - -	3,114				1,040,876	
				15,950				6,815,876
	Dacca - -	Dacca - - - -	1,960				600,000	
		Furreedpore - - -	2,052				855,000	
		Mymensing - - -	4,712				1,487,000	
		Sylhet, including Jyntea -	8,424				380,000	
		Backergunge - - -	3,794				733,800	
				20,942				4,055,800
	Jessore - -	Jessore - - - -	3,512				381,744	
		Twenty-four Pergunnahs, including City of Calcutta -	2,277				701,182	
		Burdwan - - - -	2,224				1,854,152	
		Hooghly - - - -	2,007				1,520,840	
		Nuddea - - - -	2,942				298,736	
		Bancoorah - - - -	1,476				480,000	
		Baraset - - - -	1,424				522,000	
				15,862				5,758,654

UNDER THE ADMINISTRATION OF	DIVISION.	DISTRICT.	AREA		POPULATION.			
			Of each District.	Of each Division.	Males.	Females.	Total of each District.	Total of each Division.
BENGAL—*continued.*			*Sq. Miles.*	*Sq. Miles.*				
The Lieutenant-Governor of Bengal.	Sunderbunds -	From Saugor Island on the west, to the Ramnabad Channel on the east -	- -	6,500	- -	- -	- -	not known.
	Chittagong -	Chittagong - - -	2,717				1,000,000	
		Tipperah and Bulloah - - -	4,850	- -	- -	- -	806,950 600,000	
				7,567				2,406,950
	Cuttack - -	Cuttack and Pooree - -	4,829				1,000,000	
		Balasore - - - -	1,876				556,395	
		Koordah - - - -	930				571,160	
		Midnapore with Hidgellee -	5,029				666,328	
				12,664				2,793,883
	NON-REGULATION PROVINCES.			126,133				37,262,163
	Assam - -	Upper. Joorhat, or Seebpoor -	2,825				200,000	
		Upper. Luckimpoor - - -	2,950				30,000	
		Upper. Sudiya, including Muttruck	6,942				30,000	
		Lower. Kamroop - - -	2,788				300,000	
		Lower. Nowgong - - -	4,160				70,000	
		Lower. Durrung - - -	2,000				80,000	
		Goalpara - - - -	2,866				39,835	
				24,531				749,835
	Cachar - - - - - - -		- -	4,000				60,000
	Territory resumed from Toola Ram Senahputtee		- -	2,160				5,015
	South-West Frontier.	Ramgurh - - - -	8,524				372,216	
		Palamow - - - -	3,468					
		Chota Nagpore - - -	5,308	- -	- -	- -	482,900	
		Pachete - - - -	4,792					
		Barabhoom - - -	860	- -	- -	- -	772,340	
		Singbhoom - - -	2,944				200,000	
		Sumbulpore - - -	4,693				274,000	
		Odeypore - - - -	2,306				133,748	
				32,895				2,235,204
	Arracan -	Akyab - - - -						
		Sandoway - - - -	- -	32,250				540,180
		Ramree - - - -						
	TOTAL under the administration of the Lieut.-Governor of Bengal - - - -			221,969				40,852,307

NORTH-WESTERN PROVINCES.

UNDER THE ADMINISTRATION OF	DIVISION	DISTRICT.	AREA		POPULATION.			
					Hindoo.			
					Agricultural.		Non-Agricultural.	
			Of each District.	Of each Division.	Males.	Females.	Males.	Females.
			Sq. Miles.	*Sq. Miles.*				
The Lieut.-Governor of the North-Western Provinces.	Delhi	Paneeput	1,270		94,360	73,397	49,252	38,802
		Hissar	3,294		113,974	93,170	23,555	17,207
		Delhi	790		93,963	77,731	78,912	65,459
		Rhotuck	1,340		117,168	102,275	61,770	50,610
		Goorgaon	1,939		174,457	147,726	73,138	65,453
				8,633				
	Meerut	Suharunpore	2,162		155,176	109,146	165,789	125,829
		Mozuffernuggur	1,646		135,478	105,768	133,273	115,652
		Meerut	2,200		237,105	190,680	245,814	211,639
		Bolundshuhur	1,824		182,783	152,925	154,520	143,468
		Allyghur	2,153		273,368	229,145	269,663	241,198
				9,985				
	Rohilcund	Bijnor	1,900		126,819	98,796	128,377	110,802
		Moradabad	2,699		273,881	228,450	139,417	124,246
		Budaon	2,402		386,097	321,094	92,372	77,946
		Bareilly	3,119		462,647	398,764	110,757	97,169
		Shahjuhanpoor	2,308		380,372	317,803	85,589	74,768
				12,428				
	Agra	Muttra	1,613		274,285	231,893	152,452	134,329
		Agra	1,865		315,239	256,987	177,098	146,714
		Furruckabad	2,123		389,191	306,376	130,824	110,356
		Mynpoorie	2,020		347,819	271,840	89,684	71,738
		Etawah	1,677		225,376	175,991	96,249	80,542
				9,298				
	Allahabad	Cawnpore	2,348		361,396	316,720	213,925	193,091
		Futtehpore	1,583		195,857	168,302	127,106	121,172
		Humeerpoor	2,242		205,018	175,086	67,863	60,618
		Banda	3,010		258,153	232,162	105,835	97,541
		Allahabad	2,788		421,873	375,459	208,282	194,313
				11,971				
	Benares	Goruckpore	7,340		1,184,954	1,082,559	236,681	212,581
		Azimgurh	2,516		646,984	552,356	120,288	107,302
		Jounpoor	1,552		442,429	378,734	108,690	101,735
		Mirzapore	5,152		336,134	312,986	193,985	186,793
		Benares	996		220,243	197,909	181,768	169,196
		Ghazeepoor	2,181		516,593	467,738	231,525	222,229
				19,737				
				72,052				
	NON-REGULATION PROVINCES.							
	Kumaon, including Ghurwal			6,962	- -	- -	- -	- -
	Jaunsar and Bawar			579	- -	- -	- -	- -
	Dehra Dhoon			673	- -	- -	- -	- -
	Khote Kasim			70	- -	- -	- -	- -
	Bhutty Territory			3,017	- -	- -	- -	- -
	Jaloun and Jansi			4,405	- -	- -	- -	- -
	Ajmere			2,029	- -	- -	- -	- -
	British Mhairwarrah			282	- -	- -	- -	- -
	Saugor and Nerbudda.	Saugor	1,857		- -	- -	- -	- -
		Jubbulpore	6,237		- -	- -	- -	- -
		Hoshungabad	1,916		- -	- -	- -	- -
		Seonee	1,459		- -	- -	- -	- -
		Dumoh	2,428		- -	- -	- -	- -
		Nursingpore	501		- -	- -	- -	- -
		Baitool	990		- -	- -	- -	- -
				15,388				
	British Nimaur			302	- -	- -	- -	- -
	TOTAL under Lieut.-Governor of the North-Western Provinces			105,759				

NORTH-WESTERN PROVINCES.

POPULATION.

Mahomedan, and others not Hindoo.				Total.				Total.		Total of each District.	Total of each Division.
Agricultural.		Non-Agricultural.		Agricultural.		Non-Agricultural.					
Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.		
20,411	16,869	51,643	44,351	114,771	90,266	100,895	83,153	215,666	173,419	389,085	
33,638	28,189	12,044	9,075	147,612	121,359	35,599	26,282	183,211	147,641	330,852	
10,036	8,881	52,292	48,470	103,999	86,612	131,204	113,929	235,203	200,541	435,744	
11,890	12,059	11,451	9,790	129,058	114,334	73,221	60,400	202,279	174,734	377,013	
85,314	73,057	22,107	21,234	259,771	220,783	95,345	86,687	355,016	307,470	662,486	
											2,195,180
53,281	44,833	79,840	67,431	208,457	153,979	245,629	193,260	454,086	347,239	801,325	
44,336	39,607	51,672	47,075	179,814	145,375	184,945	162,727	364,759	308,102	672,861	
43,996	38,354	88,386	79,098	281,101	229,034	334,200	290,737	615,301	519,771	1,135,072	
24,512	23,259	49,164	47,711	207,295	176,184	203,684	191,179	410,979	367,363	778,342	
15,475	14,047	47,369	44,300	288,843	243,192	317,032	285,498	605,875	528,690	1,134,565	
											4,522,165
25,613	22,811	96,425	85,878	152,432	121,607	224,802	196,680	377,234	318,287	695,521	
95,925	86,842	97,249	92,451	369,806	315,292	236,666	216,697	606,472	531,989	1,138,461	
40,792	36,678	33,674	30,508	426,889	357,772	126,046	108,454	552,935	466,226	1,019,161	
75,540	67,921	84,481	80,989	538,187	466,685	195,238	178,158	733,425	644,843	1,378,268	
27,434	25,099	36,354	38,677	407,806	342,902	121,943	113,445	529,749	456,347	986,096	
											5,217,507
14,004	11,909	23,226	20,811	288,289	243,802	175,678	155,140	463,967	398,942	862,909	
13,551	11,521	42,533	38,318	328,790	268,508	219,631	185,082	548,421	453,540	1,001,961	
24,861	20,747	41,013	41,239	414,052	327,123	171,837	151,595	585,889	478,718	1,064,607	
10,637	9,456	16,738	14,802	358,456	281,296	106,422	86,540	464,878	367,836	832,714	
4,843	4,484	12,166	11,314	230,219	180,475	108,415	91,856	338,634	272,331	610,965	
											4,373,156
10,158	9,732	36,614	32,920	371,554	326,452	250,539	226,011	622,093	552,463	1,174,556	
14,435	13,571	19,904	19,440	210,292	181,873	147,010	140,612	357,302	322,485	679,787	
7,595	7,084	13,102	12,238	212,613	182,170	80,965	72,856	293,578	255,026	548,604	
11,872	11,175	14,298	12,836	270,025	243,337	120,133	110,377	390,158	353,714	743,872	
33,454	31,857	59,189	55,361	455,327	407,316	267,471	249,674	722,798	656,990	1,379,788	
											4,526,607
136,121	126,012	57,234	51,732	1,321,075	1,208,571	293,915	264,313	1,614,990	1,472,884	3,087,874	
54,922	50,781	62,940	57,678	701,906	603,137	183,228	164,980	885,134	768,117	1,653,251	
22,356	20,992	34,732	34,081	464,785	399,726	143,422	135,816	608,207	535,542	1,143,749	
7,906	7,458	30,724	28,329	344,040	320,444	224,709	215,122	568,749	535,566	1,104,315	
4,515	4,512	38,252	35,362	224,758	202,421	220,020	204,558	444,778	406,979	851,757	
17,527	17,523	63,128	60,061	534,120	485,261	294,653	282,290	828,773	767,551	1,596,324	
											9,437,270
											30,271,885
- -	- -	- -	- -	- -	- -	- -	- -	315,112	290,798	- -	605,910
- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	24,684
- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	32,083
- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	13,767
- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	112,974
- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	376,297
- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	224,891
- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	37,715
- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	305,594	
- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	442,771	
- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	242,641	
- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	227,070	
- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	363,584	
- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	254,486	
- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	93,441	
											1,929,587
- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	25,400
											33,655,193

MADRAS.

UNDER THE ADMINISTRATION OF	DISTRICT.	AREA		POPULATION.			
				Hindoo.			
				Agricultural.		Non-Agricultural.	
		Of each District.	Total.	Males.	Females.	Males.	Females.
		Sq. Miles.	*Sq. Miles.*				
Government of Madras.	Rajahmundry	4,501		306,104	279,685	198,084	207,337
	Masulipatam	4,711		164,771	137,106	102,445	93,474
	Guntoor	4,752		176,660	164,546	95,745	97,774
	Kurnool	3,278		81,498	74,968	36,064	35,552
	Cuddapah	13,298		491,869	440,928	217,101	205,906
	Nellore	7,959		255,619	221,886	208,019	208,510
	Bellary	12,101		370,780	323,232	225,774	219,430
	Arcot, N.	6,580		498,810	459,505	227,870	227,653
	Arcot, S.	5,020		422,845	379,798	88,879	75,476
	Chingleput	2,717		204,973	185,564	88,915	85,123
	Madras City	27		- -	- -	- -	- -
	Salem	7,499		430,319	403,780	163,326	166,651
	Coimbatore	8,151		337,443	325,170	226,534	238,767
	Canara	7,152		425,250	396,905	61,386	63,541
	Malabar	6,050		300,650	293,327	258,534	259,701
	Trichinopoly	2,922		207,283	197,214	65,883	67,674
	Tanjore	3,781		502,653	480,840	271,251	283,447
	Madura	13,545		687,430	675,010	113,782	117,709
	Tinnevelly	5,482		408,760	393,440	160,374	171,074
			119,526				
	NON-REGULATION DISTRICTS.						
	Ganjam	5,758		258,806	236,299	214,178	212,549
	Vizagapatam	4,690		387,313	355,685	250,169	245,423
	Coorg	2,116		- -	- -	- -	- -
			12,564				
	Total under Madras Government		132,090				

- - - - - - - - - MADRAS.

POPULATION.

Mahomedans, and others not Hindoo.				Total.				Total.		Total of each District.	Total of each Division.
Agricultural.		Non-Agricultural.		Agricultural.		Non-Agricultural.					
Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.		
2,690	2,553	7,825	7,758	308,794	282,238	205,909	215,095	514,703	497,333	1,012,036	
3,802	3,058	8,186	8,024	168,573	140,164	110,631	101,498	279,204	241,662	520,866	
9,227	8,403	8,894	8,834	185,887	172,949	104,639	106,608	290,526	279,557	570,083	
9,221	7,979	13,746	14,162	90,719	82,947	49,810	49,714	140,529	132,661	273,190	
21,087	18,415	29,064	27,551	512,956	459,343	246,165	233,457	759,121	692,800	1,451,921	
7,092	5,716	14,688	14,160	262,711	227,602	222,707	222,670	485,418	450,272	935,690	
12,691	11,137	34,126	32,429	383,471	334,369	259,900	251,859	643,371	586,228	1,229,599	
10,357	9,186	25,678	42,814	509,167	468,691	253,548	270,467	762,715	723,158	1,485,873	
13,999	12,742	6,364	5,902	436,844	392,540	95,243	81,378	532,087	473,918	1,006,005	
5,384	4,897	4,433	4,173	210,357	190,461	93,348	89,296	303,705	279,757	583,462	
- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	720,000	
4,879	4,373	11,348	10,701	435,198	408,153	174,674	177,352	609,872	585,505	1,195,377	
5,254	4,980	7,397	7,817	342,697	330,150	234,431	246,584	577,128	576,734	1,153,862	
43,958	41,108	12,175	12,010	469,208	438,013	73,561	75,551	542,769	513,564	1,056,333	
110,308	102,853	94,440	95,096	410,958	396,180	352,974	354,797	763,932	750,977	1,514,909	
62,270	58,468	24,889	25,515	269,553	255,682	90,772	93,189	360,325	348,871	709,196	
31,292	30,273	35,924	40,406	533,945	511,113	307,175	323,853	841,120	834,966	1,676,086	
59,925	58,608	21,986	22,341	747,355	733,618	135,768	140,050	883,123	873,668	1,756,791	
23,734	22,637	43,855	45,342	432,494	416,077	204,229	216,416	636,723	632,493	1,269,216	
											20,120,495
44	41	2,417	2,596	258,850	236,340	216,595	215,145	475,445	451,485	926,930	
1,849	1,727	5,992	6,114	389,162	357,412	256,161	251,537	645,323	608,949	1,254,272	
- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	135,600	
											2,316,802
											22,437,297

BOMBAY.

Under the Administration of The Government of Bombay.

DISTRICT.	AREA		POPULATION.											
			Class I. HINDOOS.			Class II. WILD TRIBES.			Class III. LOW CASTES.			Class IV. SHRAWNIKS or JAINS.		
	Of each District.	TOTAL.	Males.	Females.	Total.	Males.	Females.	Total.	Males.	Females.	Total.	Males.	Females.	Total.
	Sq.miles.	*Sq. miles.*												
Ahmedabad - -	4,356		199,145	164,835	363,980	73,203	56,160	129,363	28,625	22,777	51,402	17,909	14,857	32,766
Kaira - - -	1,869		164,597	124,463	289,060	101,199	80,939	182,138	27,354	21,452	48,806	3,738	3,272	7,010
Broach - - -	1,319		65,430	57,098	122,528	42,106	39,323	81,429	12,389	11,181	23,570	1,913	1,670	3,583
Surat - - -	1,629		133,656	122,879	256,535	68,039	63,689	131,728	17,282	17,035	34,317	5,873	4,814	10,687
Tannah - - -	5,795		332,851	307,970	640,821	42,872	40,541	83,413	36,683	33,416	70,099	1,237	231	1,468
Candeish - - -	9,311		296,454	270,108	566,562	43,540	40,185	83,725	35,634	32,988	68,622	2,278	1,876	4,154
Bombay and Colaba Islands, including City of Bombay -	18		196,979	99,952	296,931	–	–	–	4,742	3,265	8,007	1,083	819	1,902
Poonah - - -	5,298		267,811	246,785	514,596	20,099	18,371	38,470	39,457	36,890	76,347	1,786	994	2,780
Ahmednuggur - -	9,931		374,281	348,537	722,818	35,086	32,824	67,910	67,659	63,400	131,059	8,153	5,454	13,607
Sholapoor - -	4,991		221,500	206,001	427,501	6,222	5,948	12,170	44,454	41,694	86,148	2,391	2,140	4,531
Rutnagherry - -	3,964		289,065	260,895	549,960	48	42	90	32,169	28,464	61,093	373	302	675
Belgaum - - -	5,405		283,548	260,214	543,762	30,412	28,219	58,631	38,754	37,621	76,375	19,066	16,911	35,977
Dharwar - - -	3,837		184,473	172,582	357,055	22,495	22,414	44,909	22,912	23,246	46,158	4,862	4,796	9,658
		57,723												

NON-REGULATION PROVINCES.			MAHOMEDANS.		HINDOOS.	
			Males.	Females.	Males.	Females.
Sattara - - -	- -	10,222	- - - -	- - - -	- - - -	- - - -
Sinde :						
Shikarpoor - -	11,532		281,500	227,612	74,760	60,801
Frontier District -	2,147		21,152	14,322	4,722	2,669
Hydrabad - -	26,760		301,282	238,364	70,210	57,380
Kurrachee - -	19,240		142,463	108,067	35,965	25,844
Thur and Packur -	3,920		11,767	8,362	17,393	13,551
		63,599				
Total under Bombay Government -		131,544				

BOMBAY.

POPULATION.

Class V. LINGAYETS.			Class VI. MUSSULMANS, to include SEEDEES.			Class VII. PARSEES.			Class VIII. JEWS.			Class IX. CHRISTIANS.			GRAND TOTAL POPULATION.		
Males.	Females.	Total.	Males.	Females.	Total.	Males.	Females.	Total.	Males.	Females.	Total.	Males.	Females.	Total.	Males.	Females.	Total.
1,768	1,436	3,204	35,521	33,754	69,275	88	68	156	–	–	–	41	36	77	356,300	293,923	650,223
–	–	–	28,826	24,715	53,541	3	2	5	–	–	–	38	33	71	325,755	254,876	580,631
15	9	24	29,225	28,047	57,272	1,185	1,367	2,552	–	–	–	19	7	26	152,282	138,702	290,984
–	–	–	23,351	23,257	46,608	6,285	6,378	12,663	–	–	–	84	62	146	254,570	238,114	492,684
1,249	1,105	2,354	20,613	19,011	39,624	1,152	1,061	2,213	1,205	1,235	2,440	16,598	15,540	32,138	454,460	420,110	874,570
2,103	1,975	4,078	25,935	24,944	50,879	22	3	25	1	3	4	29	34	63	405,996	372,116	778,112
–	–	–	77,359	46,796	124,155	60,967	53,731	114,698	612	520	1,132	12,348	6,946	19,294	354,090	212,029	566,119
4,581	4,290	8,871	12,632	11,972	24,604	67	40	107	2	1	3	121	107	228	346,556	319,450	666,006
4,230	4,069	8,299	26,580	24,940	51,520	39	26	65	–	–	–	163	144	307	516,191	479,394	995,585
42,605	40,924	83,529	31,467	29,735	61,202	8	10	18	–	–	–	8	8	16	348,655	326,460	675,115
2,842	2,539	5,381	24,110	21,913	46,023	10	9	19	20	9	29	1,054	914	1,968	350,151	315,087	665,238
123,289	112,440	235,729	37,740	34,582	72,322	24	11	35	–	–	–	1,536	1,515	3,051	534,369	491,513	1,025,882
110,364	103,614	213,978	42,621	39,618	82,239	4	3	7	–	–	–	219	162	381	387,950	366,435	754,385
																	9,015,534

OTHER RELIGIONS.		TOTAL OF EACH DISTRICT.					
Males.	Females.	Males.	Females.	TOTAL.			
- - -	- - -	- - -	- - -	- - -	- -	- -	1,005,771
3,203	2,428	359,463	290,841	650,304			
77	13	25,951	17,004	42,955			
20,264	15,796	391,756	311,540	703,296			
4,574	4,196	183,002	138,107	321,109			
- - -	- - -	29,160	21,913	51,073			
							1,768,737
							11,790,042

NATIVE STATES.

NAME.	LOCALITY.	Area in Square Miles.	Population.
BENGAL.			
Allee Mohun, or Rajpoor Ali	Malwa, or Central India	708	69,384
Amjherra	ditto	584	57,232
Bahadoorgurh	Adjacent to Delhi	48	14,400
Bhawlpore	Cis-Sutlej	25,200	925,000
Bhopal	Central India	6,764	663,656
Bhurtpore	Adjacent to Agra	1,978	600,000
Bullubgurh	Adjacent to Delhi	190	57,000
Bundelcund:			
Adjyghur	Central India	340	45,000
Allypoora	ditto	85	9,000
Behree	ditto	30	2,500
Behut	ditto	15	2,500
Berounda	ditto	275	24,000
Baonee	ditto	127	18,000
Bhysonda	ditto	8	2,000
Bijawur	ditto	920	90,000
Bijna	ditto	27	2,800
Chirkaree	ditto	880	81,000
Chutterpore	ditto	1,240	12,000
Dutteah	ditto	850	120,000
Doorwae	ditto	18	8,000
Gurowlee	ditto	50	5,000
Gorihar	ditto	76	7,500
Jignee	ditto	27	2,800
Jusso	ditto	180	24,000
Kampta	ditto	1	300
Logasee	ditto	29	3,500
Muckree	ditto	10	1,600
Nowagaon, or Nygowan	ditto	16	1,800
Nyagaon	ditto	30	5,000
Oorcha, or Tehree	ditto	2,160	240,000
Punna	ditto	688	67,500
Paharee, or Puharee	ditto	4	800
Pahrah	ditto	10	1,600
Paldeo	ditto	28	3,500
Poorwa	ditto	12	1,800
Sumptur	ditto	175	28,000
Surelah	ditto	35	4,500
Tohree Futtepore	ditto	36	6,000
Turaon	ditto	12	2,000
Burwanee	ditto	1,380	22,217
Cooch Behar	N.E. Frontier	1,364	136,400
Cossya and Garrow Hills	ditto	4,347	65,205
Cuttack Mehals:			
Autmallik	Orissa	648	29,160
Boad	ditto	1,377	61,965
Dustpulla	ditto	162	7,290
Koonjerry	ditto	5,022	225,990
Mohurbunge	ditto	2,025	91,125
Other small Mehals	ditto	7,695	346,275
Deojana	Near Delhi	71	6,390
Dewas	Central India	256	25,088
	Carried forward	68,213	4,227,777

NATIVE STATES—*continued.*

NAME.	LOCALITY.	Area in Square Miles.	Population.
BENGAL—*continued.*	Brought forward - - -	68,213	4,227,777
Dhar - - - - - - - -	Central India - - -	1,070	104,860
Dholpore - - - - - - -	Banks of the Chumbul -	1,626	550,000
Furrucknuggur - - - - -	Adjacent to Delhi - -	22	4,400
Golab Sing's Dominions - - -	Cashmere - - - -	60,000	3,000,000
Gwalior (Scindia's Possessions) - -	Central India - - -	33,119	3,228,512
Hill States :			
Baghul - - - - - - -	Cis-Sutlej - - -		22,305
Beeja - - - - - - -	- ditto - - - -		981
Belaspoor - - - - - -	- ditto - - - -		64,848
Besabur - - - - - - -	- ditto - - - -		45,025
Bujjie - - - - - - -	- ditto - - - -		9,001
Bulsun - - - - - - -	- ditto - - - -		4,892
Dhamie - - - - - -	- ditto - - - -		2,853
Dhurkothee - - - - - -	- ditto - - - -		612
Ghoond - - - - - - -	- ditto - - - -		963
Hindoor - - - - - -	- ditto - - - -		49,678
Jhoobul - - - - - -	- ditto - - - -		17,262
Koomharsin - - - - - -	- ditto - - - -		7,829
Koonhyar - - - - - -	- ditto - - - -	5,000	1,906
Koonthal - - - - - -	- ditto - - - -		18,083
Kotee - - - - - - -	- ditto - - - -		3,981
Kothar - - - - - - -	- ditto - - - -		3,990
Mangol - - - - - - -	- ditto - - - -		917
Milog - - - - - - -	- ditto - - - -		7,358
Mudhan - - - - - -	- ditto - - - -		2,431
Putteeala - - - - - -	- ditto - - - -		48,836
Saugree - - - - - -	- ditto - - - -		1,994
Simla - - - - - - -	- ditto - - - -		31,858
Sirmoor - - - - - -	- ditto - - - -		75,595
Theog - - - - - - -	- ditto - - - -		4,423
Turreh - - - - - - -	- ditto - - - -		3,082
Chumba - - - - - -	Trans-Sutlej - - -	3,216	101,631
Meudhee - - - - - -	- ditto - - - -	1,082	139,259
Sokhut - - - - - - -	- ditto - - - -	420	44,552
Hyderabad or Nizam's Dominions - -	The Deccan - - -	95,337	10,666,080
Indore :			
Holcar's Possession - - -	Central India - - -	8,318	815,164
Jaboa, including Borai, or Boree, and Jucknowda - - - -	- ditto - - - -	1,348	132,104
Jhujhur - - - - - - -	Adjacent to Delhi - -	1,230	110,700
Joura - - - - - - - -	Central India - - -	872	85,456
Koorwaee - - - - - - -	- ditto - - - -	200	19,600
Kupoortullah - - - - -	Trans-Sutlej - - -	598	212,721
Loharoo - - - - - - -	Near to Delhi - -	200	18,000
Munneepoor - - - - - -	N. E. Frontier - -	7,584	75,840
Nepaul - - - - - - -	Northern Bengal - -	54,500	1,940,000
Omutwarra :			
Nursinghur - - - - -	Central India - - -	1,348	132,104
Rajgurh - - - - - -	- ditto - - - -		
Patowdee - - - - - - -	Near Delhi - - -	74	6,660
Rajpoot States :			
Alwar or Macherry, including Tejarra	Rajpootana - - -	3,573	280,000
Banswarra - - - - - -	- ditto - - - -	1,440	144,000
Bikaneer - - - - - -	- ditto - - - -	17,676	539,250
	Carried forward - - -	368,066	27,009,373

NATIVE STATES—*continued.*

NAME.	LOCALITY.	Area in Square Miles.	Population.
BENGAL—*continued.*			
Rajpoot States—*continued.*	Brought forward	368,066	27,009,373
Boondee	Rajpootana	2,291	229,100
Doongerpore	ditto	1,000	100,000
Jessulmere	ditto	12,252	74,400
Jyepore, or Jyenagur	ditto	15,251	1,891,124
Jhallawur	ditto	2,200	220,000
Joudpore	ditto	35,672	1,783,600
Kerowlee	ditto	1,878	187,800
Kishengurh	ditto	724	70,952
Kotah	ditto	4,339	433,900
Odeypore or Mewar	ditto	11,614	1,161,400
Pertabgurh and Dowleah	ditto	1,457	145,700
Serohee	ditto	3,024	151,200
Rampore	Rohilcund	720	320,400
Rutlam	Central India	936	91,728
Saugor and Nerbudda Territories:			
Kothee	ditto	100	30,000
Myheer	ditto	1,026	100,000
Ocheyrah	ditto	436	120,000
Rewa and Mookundpore	ditto	9,827	1,200,000
Sohawul	ditto	179	80,000
Shahgurh	ditto	676	30,000
Seeta Mow	ditto	208	20,384
Sikh Protected States:			
Furreed Kote	Cis-Sutlej	604	75,500
Jheend	ditto	683	162,920
Kulsea	ditto	155	62,000
Molair Kotlee	ditto	165	46,200
Mumdote	ditto	370	37,100
Nabha	ditto	658	184,240
Putteealla	ditto	4,682	1,310,960
Putteealla and Khusleea, in shares	ditto	18	7,200
Putteealla and Nabha, in shares	ditto	31	8,680
South west Frontier of Bengal:			
Bombra	Orissa	1,244	55,980
Bonei	ditto	1,057	47,565
Bora Samba	ditto	622	27,990
Burgun	ditto	399	17,955
Gangpoor	ditto	2,493	112,185
Jushpore	ditto	617	27,765
Keriall, or Koren, including Bhokur	ditto	1,512	68,040
Korea	ditto	2,225	100,000
Nowagur, or Bindra Nowagur	ditto	1,512	68,040
Patna	ditto	1,158	52,110
Phooljee	ditto	890	40,050
Rhyghur	ditto	1,421	63,945
Sarunghur	ditto	799	35,955
Sirgooja	ditto	5,441	316,252
Sonepoor	ditto	1,467	66,015
Suctee	ditto	268	12,060
Sickkim	Northern Bengal	1,670	61,766
Tonk, and other Dependencies of Ameer Khan	Central India	1,864	182,672
Tipperah	Adjacent to Burmah	7,632	Not known.
	TOTAL, BENGAL	515,533	38,702,206

MADRAS.

Cochin	Coast of Malabar	1,988	288,176
Jeypoor and the Hill Zemindars	Orissa	13,041	391,230
Mysore	Southern India	30,886	3,460,696
Poodoocottah (Rajah) Tondiman's Dominions	ditto	1,165	61,745
Travancore	ditto	4,722	1,011,824
	TOTAL, MADRAS	51,802	5,213,671

NATIVE STATES—*continued.*

NAME.	LOCALITY.	Area in Square Miles.	Population.
BOMBAY.			
Balasinore	Guzerat	258	19,092
Bansda	ditto	325	24,050
Baroda (Dominions of the Guicowar)	ditto	4,399	325,526
Cambay	ditto	500	37,000
Cutch	Western India	6,764	500,536
Daung Rajahs	Guzerat	950	70,300
Dhurrumpore	ditto	225	16,650
Guzerat Petty States :—			
Chowrar	ditto	225	2,500
Phalunpore	ditto	1,850	130,000
Rhadunpore	ditto	850	45,000
Baubier	ditto	120	500
Charcut	ditto	80	2,500
Deodar	ditto	80	2,000
Seogaum	ditto	64	4,500
Therwarra	ditto	48	800
Thurraud	ditto	600	23,000
Warye	ditto	299	20,000
Wow	ditto	364	10,000
Kattywar Petty Chiefs	ditto	19,850	1,468,900
Khyrpore	Scinde	5,000	105,000
Kolapore	Southern Mahratta Country	3,445	500,000
Myhee Caunta	Guzerat	3,400	150,000
Peint and Hursool	Adjacent to Ahmednuggur	750	55,500
Rewa Caunta :—			
Barreea, or Deogar Barreea	Guzerat	870	64,380
Loonawarra	ditto	500	37,000
Mewassee Chiefs residing on the banks of the Nerbudda and the Myhee	ditto	375	27,750
Odeypore (Chota), or Mohun	ditto	1,059	78,366
Rajpeepla	ditto	1,650	122,100
Soauth	ditto	425	31,450
Sattara Jaghires :—			
Akulkote	Sattara	The area and population of these States cannot be given separately from the principality of Sattara.	
Bhore	ditto		
Juth	ditto		
Ounde	ditto		
Phultum	ditto		
Wyhee	ditto		
Sawunt Warree	South Concan	800	120,000
Southern Mahratta Jaghires	Southern Mahratta Country	3,700	410,470
Sucheen	Guzerat	300	22,200
Wusravee (Bheel Chiefs)	ditto	450	33,300
	TOTAL, BOMBAY	60,575	4,460,370

FOREIGN STATES.

NAME.	LOCALITY.	Area in Square Miles.	Population.
FRENCH.			
Chandernagore	Banks of the Hoogly	not known	32,670
Karical	Coromandel Coast	not known	not known.
Mahé	Malabar Coast	not known	not known.
Pondicherry	Coromandel Coast	188	171,217
Yanaon	Orissa Coast	not known	not known.
	TOTAL	188	203,887
PORTUGUESE.			
Daman	Coast of Northern Concan	not known.	not known.
Diu	South Coast of Kattawar	not known.	not known.
Goa	Western Coast of Indian Peninsula	1,066	313,262
	TOTAL	1,066	313,262

SUMMARY.

STATES.	GOVERNMENT.	Area in Square Miles.	Total Area in Square Miles.	Population.	Total Population.
BRITISH STATES	Under the Governor-General of India in Council.	246,050		23,255,972	
	Under the Lieutenant-Governor of Bengal	221,969		40,852,397	
	Under the Lieutenant-Governor of North-Western Provinces.	105,759		33,655,193	
	Under the Madras Government	132,090		22,437,297	
	Under the Bombay Government	131,544		11,790,042	
			837,412		131,990,901
	Presidency.				
NATIVE STATES	Bengal	515,533		38,702,206	
	Madras	51,802		5,213,671	
	Bombay	60,575		4,460,370	
			627,910		48,376,247
	Country.				
FOREIGN STATES	French	188		203,887	
	Portuguese	1,066		313,262	
			1,254		517,149
	TOTAL		1,466,576		180,884,297

Statistical Office, East India House,
27 July 1857.

M. Hornidge.

EAST INDIA (AREA, POPULATION, &c.)

A RETURN of the Area and Population of each Division of each Presidency of *India*, from the latest Inquiries; comprising, also, the Area and estimated Population of Native States.

(*Colonel Sykes.*)

Ordered, by The House of Commons, *to be Printed,*
28 *July* 1857.

215—Sess. 2.

Under 3 *oz.*

INDIAN ARMY.

RETURN to an Order of the Honourable The House of Commons, dated 27 July 1857;—*for*,

EXTRACTS "of such Parts of a REPORT addressed by Sir *Charles Napier*, on the 27th day of November 1849, to the Governor-General of *India*, as relate to the State and Discipline of the Indian Army."

Sir *Charles Napier* to the Duke of *Wellington*.

A GENERAL REPORT on the MILITARY STATE of *India*, 27 November 1849.

THE defence of our Indian Empire is confided to four distinct armies, Queen's, Bengal, Madras, and Bombay, consisting collectively of about 300,000 fighting men, and 400 pieces of field artillery, ready for war, without including those of position, mounted on forts, or lying in our arsenals. Extract, page 12.

This is a vast army, and it is in a good state of discipline, complete in its equipments, full of high courage, and a high military spirit reigns through all ranks: it is also necessary to say that this force could be doubled without any injurious pressure on the population, and that every part of India can furnish recruits in abundance; our service is extremely popular, and the troops faithful to a proverb. There are some things which admit of correction, and these may be put right when the Commander-in-chief is placed on a proper footing, but not till then. I shall consider these matters in another letter. Let it here suffice to say, it is my decided opinion that this magnificent army is sufficient to guard India at present, and that the annexation of the Punjaub does not, or at least need not, demand an additional regiment. I shall now proceed to the consideration of the immediate occupation of the Punjaub.

For this, and indeed for every purpose, I think that Delhi is the proper place for our great magazines. It lies in a central position to supply troops and reinforcements. Page 18.

For this reason, also, I think that the head quarters of the Artillery should be marched to Delhi or Meerut, as may be hereafter arranged. Page 19.

The great principle to follow in India, as regards armed forces, I think is this: to have a large well-organised police to do all those duties for the civil branches of the Government that require armed men; such as occasional guards for civil servants, escorts of treasure, putting down robbers, arresting men by order of the civil power; in short, a constabulary force that leaves the military to their own duties. Page 21.

There is scarcely any illness which the troops suffer from that may not be traced to want of room in barracks. Page 26.

I have heard that Lord Hardinge objected to the assembling of the Indian troops, for fear they should conspire. I confess I cannot see the weight of such an opinion. I have never with an Indian officer who held it, and I certainly do not hold it myself; and few men have had more opportunities of judging of the armies of all three Presidencies than I have. Lord Hardinge saw but the Bengal army, and that only as Governor-general, and for a short time; I have studied them for nearly eight years, constantly at the head of Bengal and Bombay sepoys, and I can see nothing to fear from them, except when ill-used; and even then they are less dangerous than British troops would be in similar circumstances. I see no danger in their being massed, and very great danger in their being spread over a country as they now are; on the contrary, I believe that, by concentrating the Indian army as I propose, its spirit, its devotion, and its powers will all be increased. Page 58.

INDIAN ARMY.

EXTRACTS of such Parts of a REPORT addressed by Sir *C. Napier*, on the 27th November 1849, to the Governor-General of *India*, as relate to the State and Discipline of the Indian Army.

(Mr. Disraeli.)

Ordered, by The House of Commons, *to be Printed,*
30 *July* 1857.

219—Sess. 2.

INDIAN ARMY.

EXTRACT from a LETTER from General Sir *C. J. Napier* to the Duke of *Wellington*, dated Simla, 15 June 1850.

13. I MUST now come to the Bengal Native Army, which is said to have much fallen off from what it was in former days. Of this I am not a judge; but I must say that it is a very noble army, and with very few defects. The greatest, as far as I am capable of judging, is a deficiency of discipline among the European officers, especially those of the higher ranks. I will give your Grace an instance.

14. The important order issued by the Governor-general and the Commander-in-Chief to prepare the Sepoys for a reduction in their pay, I ordered to be read and explained with care to every regiment, with the exception of three or four commanders of regiments; none obeyed the order; some gave it to pay-sergeants to read, and others altogether neglected to do so, such is the slackness of discipline among officers of high rank, and on an occasion of such vast importance. This want of discipline arises from more than one cause: a little sharpness with officers who disobey orders will soon correct much of this; but much of it originates in the great demand made upon the troops for civil duties, which so breaks up whole regiments, that their commanding officers lose that zeal for the service which they ought to feel, and so do the younger officers. The demand also made for guards is immense. These guards are sent too far off to be relieved, and mount for weeks, and more frequently for months; of course every man not on sentry goes to bed. I will not lengthen this letter by entering more into such details, but enclose as a sample, a report made to me a short time ago by Major Rowland Hill.

15. His corps has lately been made over for civil duties, and each, in its turn, of these regiments, so employed, and so ruined, in executing duties for doing which I have every reason to believe that there are from 300,000 to 400,000 "Chuprassee Burkindauses" paid by Government. However, whatever the exact number may be, it is enormous, and under proper arrangement more than sufficient to execute all the civil duties which are thrown upon and injure the troops both in health and discipline. I cannot believe that the discipline of the Bengal army will be restored till it is relieved from civil duties, and those duties performed by police battalions, as was intended by Lord Ellenborough.

16. The next evil which I see in the Native army is, that so many of the senior officers of regiments are placed on the staff or in civil situations, and very old worn-out officers command regiments; these carry on their duties with the adjutant and some favoured native officer. Not above one or two captains are with the regiment, and the subalterns being all young, form a society among themselves, and neglect the native officers altogether. Nothing is therefore known as to what is passing in a native regiment. It is difficult to apply a remedy to this evil, but I think it can be done.

17. With regard to drill, it is very far from good among the majority of native regiments. This is the fault of the officers who command divisions and brigades. I am doing all in my power to correct this evil, and I have been well aided by many of those commanders.

18. The last and most important thing which I reckon injurious to the Indian army is the immense influence given to "caste;" instead of being discouraged, it has been encouraged in the Bengal army. In the Bombay army it is discouraged, and that army is in better order than the Bengal army. In this latter the Bramins have been leaders in every mutiny. In the last mutiny about pay, and which, I may say, was general through the Bengal army, though it appeared

in six regiments only, all appeared to be governed by the Bramins; and seeing the great danger which existed then, with permission of the Governor-general I disbanded the 66th Native Infantry. I seized the opportunity which accident produced, and transferred a regiment of Goorkas into the vacancy; had I not done this, it would have been vain to disband the 66th Regiment, for plenty more were prepared to revolt had I not shown them that other troops were ready to take their places. The mutineers had said openly, "Wait till we all act together;" others had said, "How can they replace us?" It was a crisis of great peril, and I thought a strong measure alone could meet it; I therefore showed the Sepoys that we could "replace them," and that if they all "acted together" I had the force to coerce them, for they dread the Goorkas. Lord Dalhousie said, that I ought to have consulted the Supreme Council at Calcutta before I introduced the Goorkas. My Lord Duke, when 40,000 men were in a state of smouldering mutiny, and many in open mutiny, and 60,000 armed Sikh soldiers ready to rise, how could I lose five weeks to consult the Supreme Council at Calcutta? And what advice could these gentlemen have given to me in a moment of so much danger? In all I did to quell that mutiny, I had no choice but to act on the spur of the moment according to the best of my judgment. I believe that the sudden and (by all) unexpected appearance of the Goorkas at the fortress of Govindghur put an end to the danger; but for that step, some 12 or 20 regiments would have piled arms and demanded their discharge. Had this happened, bloodshed must have ensued. I was successful—the army is now quiet—and a good spirit reigns in it. But as at any time there may be some change made in the pay or allowances, I cannot say that such may not reproduce disturbance.

19. The greatest deficiency in the Company's army, and it daily becomes more important, is the want of a sufficient number of engineer and artillery officers. It is notorious, and must soon be remedied.

INDIAN ARMY.

EXTRACT from a Letter from General Sir *C. J. Napier* to the Duke of *Wellington*, dated Simla, 15 June 1850.

(Presented to Parliament by Her Majesty's Command.)

Ordered, by The House of Commons, *to be Printed,*
6 *August* 1857.

247—Sess. 2.

EAST INDIA (EUROPEAN TROOPS).

RETURN to an Order of the Honourable The House of Commons, dated 20 July 1857;—*for*,

A COPY or EXTRACTS "of the CORRESPONDENCE which has passed, since the 1st day of April 1856, between the Court of Directors of the East India Company and the Commissioners for the Affairs of India, and between the Court and the Governor-General in Council, relating to the Number of EUROPEAN TROOPS in *India*."

India Board,
20 July 1857.

HENRY DANBY SEYMOUR.

(*Mr. Seymour.*)

Ordered, by The House of Commons, *to be Printed*,
20 *July* 1857.

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COPY or EXTRACTS of the CORRESPONDENCE which has passed since the 1st of April 1856, between the Court of Directors of the East India Company and the Commissioners for the Affairs of India, and between the Court and the Governor-General in Council, relating to the Number of EUROPEAN TROOPS in *India*.

The Governor-General of India in Council to the Court of Directors of the East India Company.

(Extract.)

Fort William, 5 April 1856.

THE pressure for officers for detached employment has become so great, that we feel ourselves constrained to solicit that your Honourable Court will take the earliest practicable measures to supply the existing vacancies of ensigns in the fixed establishment of regiments, and that you will appoint supernumerary cadets of infantry to the Bengal establishment to the extent of two for each regiment, or for the three European regiments 12, and for the 74 native infantry regiments 148; making in all 160 supernumerary cadets.

The accompanying figured statement will show your Honourable Court that in 49 regiments of infantry there are seven (and some of these more than seven) officers per regiment on staff and detached employ. The recent formation of the Oude Irregular Force has in part led to the lately increased demand upon regiments for officers in excess of the regulated number for detached employ; but your Honourable Court will observe that in October 1855 the late Governor-general recorded a Minute, in consequence of the strong representations of the late Commander-in-chief as to the paucity of officers for the demands of the public service. Of that Minute the 13th and 14th paragraphs are transcribed here:—

Para. 13. "As a further palliative, I recommend that the Government should authorise, as a temporary measure, that field-officers should not be counted among the number of six absentees allowed: this will only be a return to former practice."

Para 14. "If even this palliative should be found insufficient, it will be necessary to use the discretion which the Court has allowed to the Government, and to sanction the withdrawal of a seventh officer from all corps until some permanent relief can be afforded for the present state of things."

Both these measures have been in some cases resorted to, but only to such extent as seemed unavoidable. We now, however, find it necessary to request your Honourable Court to accord your sanction at once to the omission of the field-officers of regiments, in computing the number of absentees on staff and detached employ, and to the establishing of seven instead of six as the allowed number of such absentees, retaining the present limitation of three captains to be taken from any one regiment. These measures appear to us to be the least objectionable of any by which the present pressure can be met, especially in the event of your Honourable Court's acceding to our requisition for supernumerary cadets of infantry submitted in this letter.

(No. 143, in the Military Department.)

The Court of Directors of the East India Company to the Governor-General of India in Council.

London, 10 September 1856.

Reply to letter dated 5 April 1856, No. 127.

Urgent representation of the paucity of European officers, and recommendation for the appointment of supernumerary cadets for the Bengal infantry.

Para 1. The difficulties which our several Governments, and especially those of Bengal and Bombay, have experienced in providing officers for staff and other detached employments, and at the same time in maintaining regimental efficiency, have, as you are aware, been long a source of anxiety to us. We informed you in February last that we awaited only the receipt of an intimation from the Governor-general in Council as to the extent of the deficiency of officers, and the best means of supplying it, when our immediate attention would be given to that important subject.

2. We have attentively considered the Minute recorded by the Marquis of Dalhousie, just before his Lordship's departure for Europe, on the augmentation of European officers required for the Indian army, in connexion with several other Minutes on the organisation of that army. You have promised to furnish us with your views on the several important subjects discussed in these Minutes. Meanwhile, you have earnestly pressed on our attention the necessity of furnishing you with a number of supernumerary cadets, leaving for future consideration the question as to the grades of rank in which the augmentation should be made.

3. When the cadets now on their passage or preparing for examination have arrived, the existing vacancies will be filled up.

4. As an immediate measure of relief, it is our intention to send cadets, supernumerary to the present establishment, to the extent of one to each regiment of native infantry and cavalry, and two to each European regiment at the three Presidencies.

5. But we need hardly say the mere appointment of one or more officers to the rank of ensign in addition to those at present on the establishment of a regiment of native infantry, would not be the remedy required to meet effectually the present exigencies of the Indian army. From their youth and inexperience, and want of rank, such additional officers would form no adequate substitute for the older and experienced officers who have been withdrawn from regimental duty. Sir Charles Napier, in a letter dated the 29th July 1846, addressed to the Governor-general of India, observed that "The Court of Directors may rest assured that neither the native officers nor the Sepoys look with either respect or affection upon a set of young European officers, who, as far as I can observe, scarcely speak to, much less mix with and study the character of the native officers."

6. The most influential, and therefore most useful, officers in native regiments are the field officers, captains, and senior subalterns, who have obtained mature experience of the native character, also the native officers when not superannuated. It would not be prudent to confine ourselves now to a measure which, in its immediate operation, would add no strength to these classes. It must be our aim to augment the ranks upon which calls for detached employment are most frequently made, so that ultimately those calls may be met without risking the discipline of our regular regiments.

7. That the want is pressing we fully admit. It has been necessarily occasioned by the requisitions for staff and civil services, and for local and irregular corps, which could only be effectually met by transferring to them officers of the very class and description who are most urgently required for regimental duties, and who are best qualified to command the respect and to conciliate the affections of every class of the native soldiery.

8. These considerations would have induced us to determine to allow two additional captains to every regular native regiment in our service; but in the actual condition of the finances we must confine ourselves to sanctioning your appointment of one additional captain and one additional lieutenant to every regiment

regiment of Native infantry and cavalry of the regular formation in the three Presidencies, and of two additional captains and two additional lieutenants to each European regiment; to have effect from the expiration of one month from the date of your receipt of this despatch. The senior lieutenants generally are, we are persuaded, well qualified to inspire their men with confidence and pride in our military system, and to conduct with efficiency the important duties which will devolve upon them on being promoted to the higher grade.

9. We take this opportunity of expressing our opinion that the native regiments of the line should always have present with them for regimental duty in time of peace:

One for command,

Ten eligible for command of companies.

Two eligible for regimental staff, besides the young ensigns who are training for these duties; and that in time of war every available officer detached from the regiment for staff employment, should forthwith rejoin it.

10. We are very sensible of the unprecedented deficiency of officers of artillery to meet your urgent demands in that branch of the service. The subject is one of great importance, and we propose to inform you of our intention respecting it when we have received your expected despatch on the state of the army.

11. Extension of territory may require some extension of the army, though with reference to the existing position of the British Government in India, it ought not, under a rule just and circumspect, to require any great increase. But whatever may be necessary ought to be supplied by the formation of additional regiments, and these should be of that description which, whilst inexpensive, is found to be efficient. These are two kinds, first, "local corps," not only raised, but recruited from among the people in newly acquired territory; secondly, "irregulars" in either case, with a complement of three, or at most four officers, selected solely on account of their perfect qualifications for a peculiar, but very effective service.

12. Regiments called "irregular" have been increased in number of late years. We rely on their value for all purposes, and as regards the irregular cavalry for a political and most important object, that of opening a sphere of attractive employment in the British service for the native yeomanry and the native gentry.

13. It may be advisable that our local Governments should inquire to what extent, in certain provinces of India, the presence of troops can with safety be dispensed with altogether, and in other localities how far "local" and "irregular corps" with few European officers, may be effective for duties now devolving on regiments of the line.

14. Habit in India may connect the idea of insecurity with the despatch of treasure, by any other means than under an escort of regular troops. We consider that this practice is not creditable to our administration. When it is necessary to remit treasure, the ordinary police guards, or guards of irregulars, ought to suffice for protecting British treasure on roads through British territory.

15. By these and other methods, to which we hope you will turn your attention, the number of men necessary for service might be diminished.

16. You have found it necessary to recommend that the existing limitation of the number of officers to be withdrawn from each regiment of native infantry may be modified, so as to exclude regimental field officers from the computation, and to establish seven instead of six as the allowed number of absentees on staff and detached employment, of whom three may be captains. This modification of the existing Regulation has our sanction.

17. We have observed with satisfaction, that our desire to see the supply for staff and detached employment equalised as much as possible at the three Presidencies, has been attended to by the withdrawal of additional numbers from the

Madras army for appointments which are open to officers of the three Presidencies. This object you will keep constantly in view, as it is important that the existing system of uniform regimental establishments at the several Presidencies should be steadily maintained.

The Military Secretary of the General Commanding-in-Chief to the Secretary of the India Board.

Sir, 15 September 1856.

Two regiments of infantry having been withdrawn from India, without relief, at the end of the year 1854, the General Commanding-in-Chief concludes that it would be desirable that they should be replaced in the early part of next year, and I am therefore directed by his Royal Highness to request that you will inform the Commissioners for the Affairs of India, that two regiments will be held in readiness for that purpose. There are also two regiments, the 10th and 29th, which embarked for India in April 1842, and which should therefore be relieved next year. Two regiments in this country will accordingly be prepared for this relief, and I am directed by his Royal Highness to request that he may be informed at what time it would be convenient that the four regiments should be embarked for India.

I am to add, that it is desirable that his Royal Highness should receive this information as early as possible, as some arrangements in reference to reductions in the army are contingent upon it; and the Commander-in-Chief in India has also expressed a wish to be informed what may be proposed in respect to sending regiments to India next year, that he may be prepared accordingly.

I have, &c.
C. Yorke.

The Secretary of the East India Company to the Secretary of the India Board.

Sir, 25 September 1856.

1. I HAVE had the honour to receive and to lay before the Court of Directors, Sir George Clerk's letter of the 18th instant, with its enclosed copy of a letter from Major-general Sir Charles Yorke, dated the 15th instant on the subject of replacing next year the two regiments of infantry which were withdrawn without relief in the year 1854, and of relieving two regiments which embarked for India in April 1842.

2. I have received the Court's commands to acquaint you in reply for submission to the Board of Commissioners, that the Court recommend that the regiments to proceed to Bengal, two to relieve the 10th and 29th Regiments, and one to replace the 89th Regiment, which was withdrawn without relief, be embarked in the month of June next if they are to proceed to Calcutta; and that the regiment to replace the 25th Regiment, which was withdrawn from Madras without relief, be embarked for that Presidency in August or September, so as that all may arrive at the most favourable season of the year.

3. As there is time for a reference to India before arrangements are adopted for obtaining tonnage, the Court would propose that a communication be immediately made to the Government of India, to ascertain whether it is desired that one or more of the regiments should proceed *viâ* Kurrachee.

I have, &c.
J. D. Dickinson.

(No. 168, in the Military Department.)

The Court of Directors of the East India Company to the Governor-General of India in Council.

15 October 1856.

WE forward a copy of a letter from Major-general Sir Charles Yorke, K. C. B., dated the 15th ultimo, and of our letter to the Secretary of the India Board in reply,

reply, relating to the time at which four regiments of Her Majesty's Infantry should be embarked for India next year, two in restoration of the regiments withdrawn without relief in the year 1854, and two to relieve the 10th and 29th Regiments, you will inform us at your early convenience, whether it is desirable that one or more of these regiments should proceed *viâ* Kurrachee.

We are, &c.
W. H. Sykes.
R. D. Mangles.

(No. 48, in the Military Department.)

The Governor-general of India in Council to the Court of Directors.

7 February 1857.

The circumstances and nature of the service in Persia rendering it, in our opinion, indispensably necessary that a large proportion of the troops there employed should be Europeans, we have the honour to solicit the earliest attention of your Honourable Court to the Minutes herewith transmitted, in which are fully detailed the reasons which have induced us to make the requisition which we now beg to submit for your consideration, for additional regiments from England to the extent stated in the Minute by the Governor-general.

European Troops for Persia.

(Extract.)

Minute by the Governor-general.

7 February 1857.

In a few days the last regiments of the second division of the Army of Persia will have left Bombay; this will place at the disposal of Lieutenant-general Outram a force amounting to something less than 12,000* men of all arms, of which about one-third will be Europeans. The proportion of cavalry will be about 2,600.

This force has been judged sufficient for any operations which Major-general Outram can undertake before the hot season. It is probably quite as large as can be supplied with transport and forage under such arrangements as the Commissariat officers on the spot here have as yet had time to make, and any considerable increase of it before the summer is not possible or desirable.

It is certain that very large reinforcements will be needed before a second campaign, commencing with the autumn of 1857, can be entered upon.

In supplying this force, the European infantry will be the chief difficulty. All information that reaches us points to the necessity of a much larger proportion of European troops than is usually given to an army in the field in British India.

I am satisfied that, having regard to the composition of the two divisions already sent to the Persian Gulf, the third division ought to include not less than six European regiments of infantry and one of cavalry.

Whence are those regiments to be drawn, and what reserve will remain available for further drafts after they have been taken?

Bombay can give no more; four European regiments only are left to that Presidency and its outpost at Aden.

Madras

---

* First Division (under Major-general Stalker).—5,820 of all arms, of which 2,270 are European non-commissioned officers and rank and file.

Second Division (under Brigadier-general Havelock).—5,340 of all arms, of which about 1,770 are Europeans. Add, 800 cavalry (200 regular and 600 irregular), about to be sent as a reinforcement of the First Division.

	5,820
	5,340
	800
	11,960

Madras can give none; the entire occupation of Pegu is in course of being transferred to the Madras army, and one Queen's regiment is still wanting to its ordinary European strength. One wing of the regiment of Queen's cavalry (12th Lancers), lately arrived in that Presidency, has already been taken from it, and the other will be available when wanted, but nothing more.

The whole force, therefore, must be supplied from Bengal; and this may be said with almost equal truth of native troops and of European.

The European strength of the Indian army, reduced by the withholding of two regiments of Queen's infantry on account of the exigencies of the Russian war, has not been made good. For all Indian purposes its strength will be equally reduced, whether the regiments be sent to Persia or to the Crimea. Peace has been restored in Europe, it is true, and with its return the disquietude which even a distant war had raised in the minds of the native population in some parts of India has passed away. In the course of the last eight years three vast provinces have been brought under the Government of India: the Punjab, Pegu, and Oude, peopled with hardy, and, in the case of two of the three, warlike races. In the same time the European strength of the army in India has been increased by three regiments of the Company's service; nothing has been added to the regular native army, and two regiments of Queen's infantry have been withdrawn, and will not be replaced before the Bengal division of the Persian army is despatched. Local corps have indeed been raised in the Punjaub and in Oude, and have already proved themselves most efficient and trustworthy, but they will not supply the place of English troops. The army of India is not established upon a scale calculated to meet the drain of a war carried on at a distance of 2,000 miles from its shores; least of all as regards its European force, which does not admit of ready increase. And, considering the wide area over which the Bengal army is spread, that wherever our frontier is exposed to insult it is in the keeping of this army, and that the province in which our rule is newest is also under its charge, I am of opinion that the largest amount of European infantry which can be spared from Bengal is three regiments; nor can I consent to increase the number in consideration that the full complement of 16 Queen's regiments, which is due to this Presidency, will be made good to it by the arrival, in next autumn, of the regiment which has been withheld since 1854. Indeed, in saying that three may be withdrawn, I feel that I have gone to the utmost bounds of prudence.

There will still be wanting three regiments to make up the six, which, as a maximum, the Bengal division must comprise; and, to supply two of these, I propose that the Secret Committee of the Court be requested to obtain the sanction of Her Majesty's Government to the retention by the Government of India of the 10th and 29th Regiments, which would otherwise return to England in the autumn of this year. The remaining one must be supplied from England; as also the force which will be needed as a reserve. The lowest amount at which I can estimate this is two regiments; and this assumes that a division from Bengal of 12,000 men will suffice.

The request then to be made to Her Majesty's Government will stand thus:

That the four regiments already announced for embarkation in the summer of 1857 be despatched. It will now be desirable that three of these should be sent to Bombay and one to Madras; not two to Madras and two to Kurrachee, as had been desired by his Excellency the Commander-in-Chief, in a letter to the Horse Guards of the 10th of December. It will also be necessary that their arrival should not be postponed beyond the usual time in September.

That three more regiments be sent out also to Bombay. The arrival of these may conveniently be fixed two months later.

That the 10th and 29th Regiments be retained by the Government of India.

In regard to cavalry, I do not propose that any addition to the Queen's army be asked. I see no objection to sending one of the two regiments of dragoons which are in Bengal (probably the 9th Lancers), and the wing of the 12th, now in Madras, may be spared without any difficulty.

It will probably be understood between Her Majesty's Government and the Court, that upon the cessation of hostilities the supernumerary regiments will return at once to England. There may otherwise be much difficulty in providing them with suitable barracks in India.

Canning.

I concur entirely as to the expediency of demanding large reinforcements of European troops from England. I am aware from my own knowledge that the Marquis of Dalhousie was of opinion he had reduced the European force in India to the lowest possible limit justified by ordinary prudence; yet since then we have acquired additional territory (Oude) in which the presence of at least one European regiment is for the moment indispensable. It is true that the European force in Pegu is unnecessarily large, considering the peaceable disposition of the court of Ava; but this is a contingency on which no great reliance can be placed, and which would be jeopardised at once by the mere fact of over security.

On the whole, I conceive that the demand for European troops proposed by the Governor-general is the lowest that is consistent with a reasonable prosecution of the war with Persia, and the safety of India during the continuance of hostile operations against that country.

J. Dorin.

European Troops required for the War in Persia.

Minute by Major-General *J. Low*, C. B.

8 February 1857.

The Governor-general's Minute on this important subject, although dated yesterday, only reached me at one o'clock this morning, along with various other papers connected with that subject; and as I know that his Lordship wishes to have copies of all those papers despatched by the packet, which is to be closed to-morrow forenoon, I shall not lose time by entering into any details, but content myself with recording my entire concurrence with his Lordship in regard to the necessity of our being aided by Her Majesty's Government to the full extent stated in his Lordship's Minute; indeed, I am so deeply impressed with the belief of that necessity, that I take this opportunity of suggesting that two additional regiments of infantry from England may be solicited by the next mail, if it is too late now to alter the requisition in time for the present mail. I consider that if we had them, we might possibly spare some more European cavalry from India than the number proposed for the Persian expedition by the Governor-general; but that we cannot with prudence detach to such a distance as Persia a single company of European infantry, in addition to the regiments already sent, and now about to be sent to that country.

J. Low.

I agree with the above remarks.

J. P. Grant.

I concur in the opinion expressed by the Governor-general.

B. Peacock.

The Chairman and Deputy Chairman of the East India Company to the President of the Board of Commissioners for the Affairs of India.

Sir, East India House, 29 April 1857.

Referring to the correspondence which has passed on the subject of the regiments of infantry to be sent to India this year, the Court of Directors request us to state, that as the 82d and 90th regiments, which it was proposed to send to India in the present season to replace the two regiments which were withdrawn during the late war, have been despatched to China, it will be desirable that two other regiments should be embarked for India in their stead.

One of these regiments is due to Bengal, the other to Madras.

The number of Her Majesty's regiments of European infantry on the establishment of India will then be restored to 24, the number which has been maintained there, except for a brief interval, since the year 1842.

The Court are also desirous that, if the course of events in China shall not permit the regiments destined to relieve the 10th and 29th regiments proceeding to India for that purpose, authority may be given to the Governor-general in Council to detain those regiments in India until relieved.

We have, &c.
Ross D. Mangles.
Frederick Currie.

The President of the Board of Commissioners for the Affairs of India to the Chairman and Deputy Chairman of the East India Company.

Gentlemen, India Board, 5 May 1857.

With reference to your letter of the 29th ultimo, I have the honour to inform you, that in consideration of the present uncertainty as to the duration of hostilities in China, Her Majesty's Government have deemed it expedient to recommend the despatch of four regiments to India without delay; and his Royal Highness the General Commanding-in-Chief will forthwith take Her Majesty's pleasure as to the regiments to be selected for this service.

I have, &c.
R. Vernon Smith.

The Chairman and Deputy Chairman of the East India Company to the President of the Board of Commissioners for the Affairs of India.

Sir, East India House, 6 May 1857.

We have had the honour to receive your letter of yesterday's date, announcing with reference to our letter of the 29th ultimo, that in consideration of the present uncertainty as to the duration of the hostilities in China, Her Majesty's Government have deemed it expedient to recommend the despatch of four regiments of infantry to India without delay.

In reply we are requested by the Court of Directors to state, that upon the understanding that two of these regiments are to be in substitution for two other regiments which had been intended as a relief to Her Majesty's 10th and 29th Regiments, but are required for service in China, and that Her Majesty's 10th and 29th Regiments will, in consequence, return to this country in the next ensuing winter, the Court will take immediate measures for obtaining tonnage for the conveyance of three regiments to Bengal, viz., one to supply the place of a regiment withdrawn without relief, during the war with Russia, and two to replace the regiments above specified, which are on the Bengal establishment. The fourth regiment of infantry is due to Madras. The proper period of embarkation for that Presidency is the month of August next, and arrangements will be made accordingly.

We have, &c.
Ross D. Mangles.
F. Currie.

The Secretary of the India Board to the Secretary of the East India Company.

Sir, India Board, 6 May 1857.

With reference to the letter which the President of the Board of Commissioners for the Affairs of India yesterday addressed to the Chairman and the Deputy Chairman of the East India Company, I am desired by the Board to request that you will lay before the Court the enclosed copy of two letters from the Horse Guards and the War Department, dated respectively the 4th and the 5th instant, as to the four regiments of infantry which are about to be despatched from this country to India.

I am, &c.
George Clerk.

The Military Secretary of the General Commanding-in-Chief to the Secretary of the India Board.

Sir, Horse Guards, 4 May 1857.

I HAVE the honour, by direction of His Royal Highness the General Commanding-in-Chief, to acquaint you, for the information of the Commissioners for the Affairs of India, that Her Majesty has been pleased to approve of four regiments proceeding to India at an early period, independently of those composing the expedition to China, and I am therefore to request that the necessary orders may be given for tonnage to be provided for this service. The names, strength, and destination of these corps will be communicated to you in a few days.

I have, &c.
C. Yorke.

The Under Secretary, War Department, to the Secretary of the India Board.

(Extract.)

5 May 1857.

I AM to acquaint you that His Royal Highness has informed Lord Panmure that the 7th Fusileers, 88th Regiment, and 3d Battalion Rifle Brigade, have been placed under orders for India, and that a fourth regiment will be selected for the same service in the course of a few days. I am to request that you will inform me as to which of the Presidencies these regiments should be sent, and also of the ports at which it will be most convenient that they should be landed.

I am to add, that upon the arrival of these regiments, the 10th and 29th will return home.

The Secretary of the East India Company to the Secretary of the India Board.

Sir, East India House, 14 May 1857.

I HAVE laid before the Court of Directors Sir George Clerk's letter, dated the 6th instant, forwarding letters from the Horse Guards and War Department, dated respectively 4th and 5th instant, on the subject of the four regiments of infantry about to be despatched from this country to India.

In reply to the inquiry contained in Sir Benjamin Hawes's letter, dated 5th instant, I have the Court's instructions to state that, as pointed out in the letter from the Chairman and Deputy Chairman to the President of the India Board, of the 6th instant, the Court would recommend that three of these regiments should be sent to Bengal, two being embarked for Calcutta as a relief for the 10th and 29th regiments, to return home on their arrival; and that one regiment should be embarked for Kurrachee, for service in the Upper Provinces of Bengal, to replace the regiment withdrawn from India without relief in 1854. Also that the 4th regiment should be sent to Madras, to replace the regiment likewise withdrawn from that Presidency in the year 1854.

As respects the 2d and 3d regiments of Dragoons, also under orders for India this year, the Court would propose that one of these regiments should proceed to Calcutta as a relief for the 9th Lancers, and one to Bombay as a relief for the 14th Dragoons.

A draft of paragraphs to the Government of India, communicating these arrangements, is submitted for the Board's approval.

As soon as the Court are apprised of the establishments of which these respective regiments will consist, they will invite tenders for the requisite tonnage. It is proposed that the regiments for Calcutta should embark between the 25th June and 25th July, the regiment for Kurrachee between the 7th and 21st July, and

the regiments for Madras and Bombay in August, so that all may arrive in India at the most favourable season of the year, with reference to the climates of their respective places of destination.

I have, &c.
James C. Melvill.

The Assistant Secretary of the India Board to the Secretary of the East India Company.

Sir, India Board, 22 May 1857.

In reference to your letter of the 14th instant, respecting the destination and other arrangements proposed for Her Majesty's regiments now under orders for India, and transmitting a draft despatch to the Supreme Government for the Board's sanction, I am directed by the Commissioners for the Affairs of India to enclose to you copy of a letter which has been received from the War Department, referring to the above subject, which I am desired you will move the Court to take into their immediate consideration, in order that the proposed despatch may go by the next mail.

I am, &c.
Wm. Leach.

The Under Secretary of the War Department to the Secretary of the India Board.

Sir, War Office, 21 May 1857.

I have laid before Lord Panmure your letter of the 18th instant, enclosing a copy of one from the Court of Directors of the East India Company, respecting the destination of and engagement of tonnage for the six regiments of Her Majesty's service now under orders for India; and I am to request that you will acquaint the Commissioners for the Affairs of India that his Lordship approves of the arrangements therein submitted, except in so far as regards the departure of the regiments, which, he is of opinion, ought not, under the present circumstances of India, to be postponed to the periods fixed in Sir J. Melvill's letter. His Lordship considers that they ought not to be despatched later than the 20th June, and he has requested the General Commanding-in-chief to take steps accordingly.

He has likewise desired the immediate embarkation of the drafts from Chatham, required to complete the regiments in India to their establishments.

I have, &c.
B. Hawes.

The Secretary of the East India Company to the Secretary of the India Board.

Sir, East India House, 26 May 1857.

Having laid Mr. Leach's letter of the 22d instant, and its enclosure, before the Court of Directors, I have received their commands to acquaint you that advertisements were issued last Wednesday for tenders for the requisite tonnage to convey to India one regiment of dragoons,* three regiments of infantry,† and recruits for Her Majesty's regiments, the said tenders to be delivered this day or on Wednesday, the 3d proximo, and to provide for the embarkation of the troops between the 1st and 25th July. The desire now expressed by the Secretary of State for War that the troops should be despatched by the 20th June, I am directed to state, cannot possibly be acted upon, as the time required to enable shipowners

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* 2d Dragoon Guards, from Gravesend to Calcutta.

† 7th and 88th, from Portsmouth to Calcutta, and 3d Battalion Rifle Brigade from Portsmouth to Kurrachee.

shipowners to make their tenders, to allow of the requisite survey of the ships, and for the due examination of the provisions for the voyage, and in the case of the regiments to embark from Portsmouth, to allow time for the ships to get round to that port, preclude an earlier embarkation than that which the Court have specified. Her Majesty's Government may rest assured that no avoidable delay will be allowed in the dispatch of these troops.

I have, &c.
James C. Melvill.

The Assistant Secretary of the India Board to the Secretary of the East India Company.

Sir, India Board, 8 June 1857.

In reference to your letter of the 26th ultimo, I am directed by the Commissioners for the Affairs of India to transmit to you a copy of a letter which has been received from the War Department, containing Lord Panmure's definitive instructions as to the dispatch of Her Majesty's regiments now under orders for India.

Adverting to your letter of the 14th ultimo, enclosing a proposed draft despatch announcing to the Government the arrangement proposed on this subject, I am desired to return to you this draft, in order that it may be amended with reference to the correspondence which has since taken place.

I have, &c.
Wm. Leach.

The Under Secretary of the War Department to the Assistant Secretary of the India Board.

Sir, War Office, 4 June 1857.

I have laid before Lord Panmure your letter of the 27th ultimo, enclosing the copy of one from the Court of Directors of the East India Company, relating to the engagement of tonnage, and the time of embarkation of Her Majesty's regiments under orders for India.

I am to request that you will acquaint the Commissioners for the Affairs of India that Lord Panmure is desirous that every effort should be made to dispatch these regiments as soon after the 20th of June as may be practicable.

I am, &c.
B. Hawes.

The Chairman and Deputy Chairman of the East India Company to the President of the Board of Commissioners for the Affairs of India.

Sir, East India House, 29 June 1857.

The Court of Directors of the East India Company having had under their consideration the despatches which have been received relating to the position of British interests in India, as affected by the mutiny of several native regiments in the Bengal army, request to state their decided opinion that the Government of India should be supplied as soon as possible with an additional military force beyond that which has been ordered to proceed this season.

The Court accordingly request that four additional regiments of infantry, of the full strength of one thousand (1,000) men each, may be directed to embark for India as soon as tonnage can be obtained for that purpose. These regiments will provide a relief for an equal number of corps now in India whenever the Government may be enabled to dispense with their services.

Having reference to the movement which has taken place of several regiments of European infantry from Bombay and Madras to Calcutta, the Court of Directors propose to make an engagement with owners of ships to be now engaged to call at Ceylon or Madras for orders, and to convey the regiments to Calcutta or Bombay, or to land them at Madras, as may be arranged by the Government of India.

The Court have thought it their duty to make this requisition, notwithstanding that they have not yet received any intimation from the Government of India of the extent to which the addition should be carried. There cannot, however, be any doubt that four regiments, at least, will be required. If upon the receipt of official communication from India, further augmentation should be found necessary, the Court will lose no time in making another requisition.

We are, &c.
Ross D. Mangles.
F. Currie.

The President of the Board of Commissioners for the Affairs of India to the Chairman and Deputy Chairman of the East India Company.

Gentlemen, India Board, 1 July 1857.

In reply to your letter of the 29th ultimo, requesting that the Government of India may be supplied, as soon as possible, with a military force from this country, in addition to that which has been ordered to embark, I have the honour to inform you that the Queen has been pleased to authorise the following regiments being raised to the Indian establishment, and held in readiness for immediate embarkation: 1st Foot, 1st Battalion; 19th, 38th, and 79th Foot.

Instructions have also been issued that the drafts in this country of the 9th and 14th Dragoons, and the 10th and 29th Infantry, which regiments it was intended to bring home this year, shall join their head-quarters in India.

I have, &c.
R. Vernon Smith.

The Assistant Secretary of the India Board to the Secretary of the East India Company.

Sir, India Board, 1 July 1857.

I am directed by the Commissioners for the Affairs of India to transmit to you copy of a letter which has been received from the Admiralty, intimating that the Lords Commissioners have instructed the senior officer of Her Majesty's ships at the Cape of Good Hope to be in readiness to convey a regiment of infantry from that colony to Calcutta, if so required.

I am, &c.
Wm. Leach.

The Secretary of the Admiralty to the Secretary of the India Board.

Sir, Admiralty, 29 June 1857.

I am commanded by my Lords Commissioners of the Admiralty to acquaint you, for the information of the Commissioners for managing the Affairs of India, that instructions have been sent to the senior officer of Her Majesty's ships at the Cape of Good Hope to take immediate measures for conveying a regiment of infantry from that colony to Calcutta, if required. The commanding officer of the "Megæra," which steam troop ship will be employed on this service, will receive directions, in the event of the ship under his command not being required for a time at the Cape of Good Hope, to comply with any request the Governor-general of India may make to him to convey troops from one part of India to another, and to return to the Cape of Good Hope upon the completion of the service.

I am, &c.
W. G. Romaine.

(No. 112.)

The Court of Directors of the East India Company to the Governor-General of India in Council.

London, 8 July 1857.

REFERRING to our letter dated the 15th of October 1856, No. 168, we have to apprise you that the following arrangements will take place this season with respect to Her Majesty's regiments.

Four Regiments of infantry will proceed, as follows:

Two regiments to Calcutta between the 1st and 25th of July.
One regiment to Kurrachee, for service in Upper Provinces, between the 14th and 21st of July.
One regiment to Madras in August.

Two of these regiments will form the relief for Her Majesty's 10th and 29th Regiments, which are are to return home on their arrival, and two will replace the regiments withdrawn from Bengal and Madras without relief in 1854.

Her Majesty's 2d and 3d Regiments of Dragoon Guards will likewise proceed to India this season, as a relief for the 9th Lancers in Bengal, and the 14th Dragoons in Bombay. The regiment for Bengal will embark on or about the 25th of July.

We shall shortly inform you of the establishments of which the respective regiments will consist.

The Court of Directors of the East India Company to the Governor-General of India in Council.

(Extract.)

London, 8 July 1857.

IMMEDIATELY on the receipt of the despatches by the last mail relating to the position of British interest in India, as affected by the mutiny of several native regiments of the Bengal army, we expressed to Her Majesty's Government our decided opinion that your Government should be supplied, as soon as possible, with an additional military force beyond that which had been ordered to proceed this season; and we requested that four additional regiments of infantry of the full strength of 1,000 men each, might be directed to embark for India as soon as tonnage could be obtained for that purpose.

3. Her Majesty's Government were pleased to comply with this requisition, and the following regiments have in consequence been warned to be held in readiness for immediate embarkation, viz.:—

1st Foot, one Battalion
19th Foot.
38th Foot.
79th Foot.

4. Instructions have also been isssued for the drafts in this country of the 9th and 14th Dragoons, and the 10th and 29th Regiments of Infantry, which it was intended should return this year to join the head-quarters of their corps in India.

5. Having reference to the movement which has taken place of several regiments of European infantry from Bombay and Madras to Calcutta, we intend to make arrangements with the owners of steamers, and other ships to be engaged for the passage of the regiments now warned for embarkation, to call at Ceylon or Madras for orders, and to convey the regiments to Calcutta or Bombay, or to land them at Madras, as may be arranged by your Government. You will accordingly cause the Governments of Ceylon and Madras to be informed of the instructions they are to give to the commanders of these vessels.

6. The regiments now proceeding are to provide a relief for an equal number of corps now in India, whenever you may be enabled to dispense with their services.

7. If upon the receipt of communications from your Government, a further augmentation of the European force shall be found necessary, we shall lose no time in making another requisition to Her Majesty's Government.

* Dated 1 July 1857.

8. We transmit to you a copy of a letter from the India Board,* with its enclosure from the Admiralty, intimating that the Lords Commissioners of the Admiralty have instructed the senior officer of Her Majesty's ships at the Cape of Good Hope to be in readiness to convey a regiment of infantry from that colony to Calcutta, if so required. We have made a requisition for the services of this regiment, which will be accordingly dispatched to you as soon as arrangements can be made for that purpose.

9. Considering it to be of great importance to secure the services of officers with their corps under the present emergency, we have ordered all the officers of our army below the rank of regimental colonel now on private affairs in this country, and all those below that rank whose absence from India on sick certificate has exceeded 12 months, to return to their duty forthwith.

We are, &c.
R. D. Mangles.
F. Currie, &c.

The Secretary of the East India Company to the Secretary of the India Board.

Sir, East India House, 9 July 1857.

I HAVE laid before the Court of Directors Mr. Leach's letter, dated the 1st instant, transmitting copy of a letter intimating that the Lords Commissioners of the Admiralty have instructed the senior officer of Her Majesty's ships at the Cape of Good Hope to be in readiness to convey a regiment of infantry from that colony to Calcutta, if so required.

In reply, I am instructed to request that you will express to the Lords Commissioners of the Admiralty the thanks of the Court of Directors, for the directions they have issued to Her Majesty's naval officers.

Being of opinion that the embarkation of a regiment of infantry from the Cape of Good Hope to Calcutta is urgently required under the present circumstances, in addition to the regiments already warned for service in India, the Court instruct me to request that Her Majesty's Government will give immediate orders to this effect to the authorities at the Cape of Good Hope.

I have, &c.
James C. Melvill.

The Secretary of the India Board to the Secretary of the East India Company.

Sir, India Board, 9 July 1857.

I AM directed by the Commissioners for the Affairs of India to state, for the information of the Court of Directors of the East India Company, that Her Majesty's Consul at Marseilles, in obedience to instructions sent to him from the Foreign Office by telegraph, on the 27th ultimo, forwarded to the Governor-general of India, and to the Governor of Bombay, by the vessel which conveyed the mail from England of the 26th, intelligence that reinforcements of European troops would be immediately dispatched to India.

I am, &c.
George Clerk.

The Chairman and Deputy-Chairman of the East India Company to the President of the Board of Commissioners for the Affairs of India.

Sir, East India House, 14 July 1857.

WITH reference to the serious intelligence which the last mail has brought from India, and more especially to the increased number of Sepoys of the Bengal army who had mutinied or deserted, and to the necessity of further strengthening the

the hands of the Governor-general in Council, to enable him to deal confidently and vigorously with every disaffected or suspected corps, after armed resistance shall have been put down, we have the honour, at the request of the Court of Directors, to intimate to you their opinion that an additional force of six regiments of infantry should be immediately dispatched to India by the most speedy means of conveyance which may be found to be available for that purpose.

The Court of Directors are also of opinion, that under the present emergency, it is desirable to strengthen the artillery force of the several governments by the temporary addition to it of four companies of the Royal Regiment of Artillery for Calcutta, two for Madras and two for Bombay. The Court would accordingly request that the services of eight companies may be made available for immediate embarkation for India. The material for these companies will be supplied from the arsenals in India.

In order to guard against a probable deficiency in the supply of horses for the cavalry and artillery, the Court request us to state that they think it very desirable that Her Majesty's Government should authorise and direct the Governor and Commander-in-chief of the Cape of Good Hope to purchase geldings and mares suited for both the purposes above-mentioned, to such extent, not exceeding 1,000 in number, as may be procurable, provided tonnage can be obtained for their conveyance to India. Should this proposal meet the views of Her Majesty's Government, the Court would propose to notify to the shipping interest in the United Kingdom, that freight of this description may probably be in demand at the Cape.

We have, &c.
Ross D. Mangles.
F. Currie.

The Secretary of the India Board to the Secretary of the East India Company.

Sir, India Board, 17 July 1857.

I AM directed by the Commissioners for the Affairs of India to transmit to you a copy of a letter received from the Horse Guards, dated the 16th instant, naming the regiments which, with Her Majesty's approbation, are held in readiness for immediate embarkation for India.

I am, &c.
George Clerk.

The Military Secretary of the General Commanding-in-Chief to the Secretary of the India Board.

Sir, Horse Guards, 16 July 1857.

WITH reference to the application made by the Court of Directors of the East India Company to Her Majesty's Government for a further reinforcement of troops for India, I have the honour, by direction of the General Commanding-in-chief, to acquaint you, for the information of the Commissioners for the Affairs of India, that His Royal Highness has submitted to the Queen, and Her Majesty has been pleased to approve of, the following regiments, viz., 42d, 20th, 54th, 34th, and 97th Foot, and 2d Battalion Rifle Brigade, together with two troops of Horse Artillery and six companies of Royal Artillery, being held in readiness for immediate embarkation for that country accordingly.

I have, &c.
C. Yorke.

EAST INDIA (EUROPEAN TROOPS).

COPY or EXTRACTS of the CORRESPONDENCE which has passed, since the 1st of April 1856, between the Court of Directors of the East India Company and the Commissioners for the Affairs of India, and between the Court and the Governor-General in Council, relating to the Number of EUROPEAN TROOPS in *India*.

(Mr. Seymour.)

Ordered, by The House of Commons, *to be Printed*,
20 *July* 1857.

194—Sess. 2.

Under 3 *oz.*

EAST INDIA (BENGAL MILITARY FUND).

RETURN to an Order of the Honourable The House of Commons, dated 3 July 1857;—*for*,

COPIES or EXTRACTS "of DESPATCH from the Court of Directors to the Governor-General of India in Council in the Military Department; dated the 22d day of February 1811. Paragraphs 50–62:"

"Of LETTER from the Governor-General of India in Council to the Court of Directors in the Military Department; dated the 30th day of September 1820. Paragraphs 178–183:"

"Of DESPATCH from the Court of Directors to the Governor-General of India in Council in the Military Department; dated the 26th day of February 1823. Paragraphs 2–30:"

"Of LETTER from the Governor-General of India in Council to the Court of Directors in the Military Department; dated the 19th day of March 1825:"

"Of DESPATCH from the Court of Directors to the Governor-General of India in Council, in the Military Department; dated the 1st day of February 1826. Paragraph 5:"

"Of DESPATCH from the Court of Directors to the Governor-General of India in Council in the Military Department; dated the 12th day of July 1826. Paragraph 16:"

"Of DESPATCH from the Court of Directors to the Governor-General of India in Council in the Military Department; dated the 30th day of August 1826:"

"Of DESPATCH from the Court of Directors to the Governor-General of India in Council in the Public Department; dated the 4th day of July 1832:"

"Of DESPATCH from the Court of Directors to the Governor-General of India in Council in the Financial Department; dated the 10th day of April 1838. No. 7:"

"Of LETTER from the Governor-General of India in Council to the Court of Directors in the Financial Department; dated the 12th day of January 1854. No. 2:"

"Of LETTER from the Governor-General of India in Council to the Court of Directors in the Military Department; dated the 4th day of February 1854. No. 30:"

"Of LETTER from the Governor-General of India in Council to the Court of Directors in the Military Department; dated the 14th day of March 1854. No. 60:"

"Of DESPATCH from the Court of Directors to the Governor-General of India in Council in the Financial Department; dated the 18th day of April 1855. No. 32:"

"And, of DESPATCH from the Court of Directors to the Governor-General of India in Council in the Financial Department; dated the 25th day of June 1856. No. 50."

East India House,
7 July 1857.

JAMES C. MELVILL.

(*Viscount Goderich.*)

Ordered, by The House of Commons, *to be Printed*,
8 *July* 1857.

DESPATCH from the Court of Directors to the Governor-General of India in Council, in the Military Department; dated 22 February 1811.

Letter from, dated 20 April 1809. 5–8. Transmit a memorial from the managers of the Military Widows' Fund, and earnestly solicit Court's patronage and support of the institution.

50. We have, in para. 118 of our Military letter, dated 16th of February 1810, expressed our general approbation of the establishment of the Military Widows' Fund, and authorised you to make a donation towards its support of 30,000 sicca rupees.

51. We are sorry to find that the amount of pensions granted to the widows of officers, subscribers to that fund, has been so disproportionate to its means as to produce the most serious embarrassment. Before, therefore, we grant any further assistance to the Military Widows' Fund, we think it necessary to explain and define the principles and conditions upon which such aid will be given.

52. We consider the Military Widows' Fund to be a benevolent institution, formed for the purpose of providing an adequate maintenance for the widows of officers of the Bengal establishment, whose husbands may die without the means of making such provision; and we are of opinion that a sum equal to the British pay (or subsistence) of the deceased husband will not only be a suitable but a liberal annuity.

53. One-fourth of this sum is already secured to the widows of distressed officers in our service by Lord Clive's Fund, aided, as it has been for many years, by the Company's bounty. The remaining three-fourths of the deceased husband's pay must be furnished from the new fund, together with such further sum as may be necessary to enable the widow, if in India, to return to Europe, provided she have not herself the means of defraying the expenses of the voyage.

54. To create a fund adequate to these objects, it may perhaps be necessary that every officer in our service should subscribe monthly, if in India, a sum not less than three days' British pay, and if in Europe, one day's British pay of his regimental rank.

55. These sums will, we should hope, with the liberal assistance which we are willing to give, be sufficient to provide an annuity for each distressed widow equal to the amount of her deceased husband's British pay.

56. If these sums should not be sufficient, the subscriptions must either be augmented or the annuities reduced.

57. It must not, however, be lost sight of, that this benevolent institution is intended to relieve the distresses of respectable widows, and not as a tontine for the equal benefit of all subscribers. We are therefore of opinion that the pension of widows possessing, at the time of the husband's death, or afterwards succeeding to an income of more than one-half of the amount of their deceased husband's regimental pay, should be liable to a proportionate abatement; and that no widow should be entitled to any benefit from the fund whose husband shall have bequeathed his property to other persons than to his wife and his children.

58. We are also of opinion that no officer's widow should be allowed, in consideration of an augmented subscription (as proposed in the 14th Article of the new proposed Code) to receive a higher pension from the fund than she would be entitled to from her husband's rank at the date of his decease; but that every widow should be strictly confined to her own class, as regulated by the regimental rank of her deceased husband.

59. We further think it right to make it a condition of our aid to the Military Widows' Fund, that the pensions be confined to the widows of officers in the Company's service. We shall not, however, object to the widows of such of his Majesty's officers as are already members of the institution receiving the same pensions from it as the widows of officers in our immediate service.

60. The principles and conditions upon which we have now professed our readiness to give assistance to the Military Widows' Fund, although calculated, we conceive, to improve the institution, by securing its objects, are yet, we are aware,

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at variance with many of the Regulations at present in force for its management. They, however, nearly correspond to the Regulations established for the Madras Military Fund, which we have approved, and to which we have also granted liberal assistance. But as the Regulations of the Bengal Military Widows' Fund have been directed to be revised at stated periods, we imagine that no difficulty will be found in regulating the Military Widows' Fund upon the principles which we have thought it right to lay down as the condition of our contribution to it.

61. Under these conditions, and under such modifications of the Regulations, to be founded on the principles which we have laid down, as may from time to time be thought advisable, we authorise you to make an annual donation to the Bengal Military Widows' Fund of twenty-four thousand sonat rupees (24,000 sonat rupees), to commence from the date of the adoption of the Regulations which we have now suggested.

62. We shall take into consideration the propriety of obliging, as recommended by the managers of the fund, all our military servants on the Bengal establishment to contribute to the support of the Military Widows' Fund, in the same manner, and upon the same principles, as they are now obliged to contribute to the support of the Bengal Orphan Fund.

LETTER from the Governor-General of India in Council to the Court of Directors in the Military Department; dated 30 September 1820.

178. IN the month of April last the managers of the Bengal Military Widows' Fund submitted to us an application from a lieutenant in the 10th Regiment Native Infantry, holding the rank of captain in the army by brevet, requesting permission to be allowed to subscribe to that institution, according to his army rank, and the management took that opportunity to address us at considerable length on the impolicy of longer continuing in force the 2d Article of their Regulations, which precluded any officer being admitted as a member or subscriber in a class higher than that of his regimental rank.

179. This rule, restricting the junior officers of the army from securing a provision for their widows, in proportion to their actual means, appeared to us productive of much detriment to the fund, by discouraging a particular grade of officers from lending it support, whose numerical strength and probable duration of life rendered them a most desirable acquisition; while its operation was attended with the serious evil of reducing to the lowest scale of pension that class of widows who are generally left otherwise unprovided for. After a full and mature consideration of the subject in all its bearings, we, in anticipation of your Honourable Court's approbation, authorised every class of subscription to be thrown open to the officers of the army at large, and in so doing, trust we shall succeed in enlarging the benefits and objects of the institution, with certain increased advantage to its funds.

180. We request the attention of your Honourable Court to the arguments used in No. 176 of the Consultation above quoted, as conveying the sentiments of the official guardians of the Widows' Fund on this important subject, and need only add, that we have been led to anticipate your entire approbation of the measures which on this occasion we have been induced to adopt, from knowing the interest your Honourable Court take in the welfare of this charitable institution.

181. The managers having also submitted to us a draft of Regulations (No. 93 of Consultations, 9th September instant) which they proposed to introduce with a view to the better protection of the interests of the institution, on the removal of the restrictions above adverted to, we have sanctioned them with our approval, and trust your Honourable Court will consider them extremely judicious, as they certainly seem to us to embrace a modification of the old Regulations, fixing the mode of collecting the votes or sentiments of the society, well calculated to cause that object being met with peculiar facility and increased advantage to the funds.

182. We cannot close our observations on this subject without particularly remarking to your Honourable Court that the Bengal Military Widows' Fund was established at a period when 8 per cent. was allowed on Government Securities, and that the existing terms of admission and subscription were regulated with reference to an expectation of a continuance of that interest.

183. It is also observable, that the rate of 8 per cent. was obtained at the period when your Honourable Court fixed the scale of donation now annually granted to the fund; we beg, therefore, to solicit your Honourable Court's special consideration to the petition of the management for a higher rate than 6 per cent. interest being in future allowed on their funded property, and most respectfully, but earnestly, recommend that that benefit which is understood to be at present enjoyed by a similar society at Madras, may be graciously extended to this institution, in such form as may be deemed most expedient by your Honourable Court.

DESPATCH from the Court of Directors to the Governor-General of India in Council, in the Military Department; dated 26 February 1823.

REPLY to Paras. 178 to 183 of Military Letter, dated 30 September 1820.

2. WE have given full consideration to the proceedings brought before us in these paras.; but before communicating to you our sentiments and resolutions on the subject of our contribution to the Military Widows' Fund, we think it proper to notice a letter from the managers of that fund, dated 2d April 1820, (recorded in your proceedings of 6th May) which professes to show several inconsistencies and false principles contained in, or deducible from, the sentiments and orders conveyed to you in paras. 50 to 62 of our Military letter of 22d February 1811.

3 The managers state that the conditions prescribed by us in our letter of February 1811 were these: "That the subscription of each member should be confined to a monthly sum, corresponding with three days' British pay; that the subscription of unmarried officers should be one day's British pay monthly; and that the British pay of a regimental colonel, which we meant his widow to enjoy, is 456 *l.* 5 *s.*, &c."

4. Now we must observe that we never proposed to confine the subscription of each member to three days' British pay, nor that of unmarried officers to one day's British pay, and that the pension which we meant a colonel's widow (and all other officers' widows) to enjoy, was contingent, not absolute, and that the whole scheme turned upon its being confined to distressed widows only.

5. Our words were, "that every officer (whether married or unmarried) should subscribe monthly, if in India, a sum not less than three days' British pay, and if in Europe, one day's British pay, of his regimental rank, which sums we hoped, with the liberal assistance we were willing to give, would be sufficient to provide an annuity for each distressed widow, equal to the amount of the deceased husband's British pay, but that if these sums should not be sufficient, either the subscriptions must be augmented, or the annuities reduced."

6. Notwithstanding these plain positions, the managers go on to argue, as if we had laid it down as a principle that every widow, whether distressed or not, should receive an annuity equal to her deceased husband's British pay; which annuity was to be supplied by the before-named limited contributions; whereas our design, clearly expressed, was that the amount of pension should be relative to the rate of subscription (whatever that might be), and that it should be granted to distressed widows only.

7. The managers then proceed to insinuate that we have been guilty of a breach of promise, in not having compelled every officer to subscribe to the Military Widows' Fund, although no such promise was made; the expectation of any interference of that nature, on our part, having been held out only in conditional connexion with the adoption of our principle. They even seem to have sought for the most offensive and reprehensible form of words in which to convey this injurious insinuation, by observing, that "the only consideration or equivalent for

for the more than hazardous step recommended by us, was to be the annual donation of 3,000 *l.*, which was wholly insufficient for the purpose intended, unless indeed," they venture to add, "we had succeeded in persuading the whole army to subscribe, a step contemplated by the Honourable Court, but not to this day executed."

8. The managers further state, that the rate of pension fixed by us would have rendered the widowed pensioner incapable of taking the oath prescribed to entitle her to the benefits of Lord Clive's Fund, unless some dispensing clause were introduced by us, which it is insinuated we have wilfully neglected to provide; as if the pensions then, and now, granted by their fund, as well as those arising out of the Military Funds of Madras and Bombay, were not open to the same objection, if founded in law or reason.

9. The oath taken by widows refers, however, to the property left by their deceased husbands only, and does not exclude them from participating in Lord Clive's Fund, on account of their being entitled to participate in the benefits of other funds established in India for their support.

10. From this it would appear that our orders of 22d February 1811, have been greatly misunderstood by the managers of the Bengal Military Widows' Fund, the style of whose representation we consider to be very exceptionable, and you will inform the gentlemen* whose names are affixed to the letter of 2d April 1820, of our entire disapprobation of the mode in which they have submitted their case to our notice.

* S. Young, President; G. Bristow, W. R. Gilbert, A. Sachell, J. Jameson, W. S. Beatson, } Managers.

11. We must also express our surprise that you should have passed their observations without reprehension, or even remark.

12. We now proceed to convey to you our sentiments and orders relative to our contribution to the Military Widows' Fund.

13. It appears from the statement of the managers (letter, 30 July 1820), that the subscribers to the fund have greatly decreased in number; those in the unmarried class having almost wholly withdrawn their subscriptions, while several of the married officers have entered into other tontines, notwithstanding the patronage which we have given to the fund, and the advantage which it possesses of a large annual contribution from us.

14. All the other funds established at your Presidency to which we contribute are, as far as the provision for widows is concerned, framed upon principles similar to those which were laid down in our Military letter of 22d February 1811; and the Military Funds at Madras and Bombay, which are exclusively confined to charitable purposes, and embrace a greater variety of such objects, are supported by nearly the whole of the officers of those establishments.

15. We are of opinion that a military fund, upon the general principle of those of Madras and Bombay, is equally suitable to the officers of your establishment, and would be attended with equal success.

16. You have, therefore, our authority, upon the receipt of this despatch, to offer to the subscribers of the Bengal Military Widows' Fund the allowance of the increased rate of interest solicited upon their securities, upon the condition of adopting as the basis of their Regulations the principle of the Military Funds of Madras and Bombay, except in respect to the provision for orphans, an object which is already adequately provided for by the Military Orphan Society of your establishment, and the exclusion of which will justify a proportionate reduction in the rates of subscription.

17. These funds, besides embracing the important object of making a liberal provision for distressed widows and orphans, provide also for the payment of passage-money for their conveyance to England, and also for passage-money to and from England, and support there for indigent members of the fund labouring under ill health; and the Military Fund at Madras has lately commenced granting pensions to officers having served more than 10 years in India, who have been compelled to leave the service from ill health without being entitled to full pay.

18. These are provisions of advantage to the service generally, and holding out

strong inducements to subscribe to unmarried officers, in whose support the prosperity of these funds so much depends.

19. Our wish is, that if you are not already in possession of it, you should refer to the Governments of Madras and Bombay for full information in regard to the Military Funds at those Presidencies, and the principles upon which the scale of contributions have been fixed in reference to the advantages which they respectively hold out to their members, in order that the managers of the Bengal Fund, after making due allowance for the absence of any necessity to provide for orphan children, may form a correct opinion, to be previously sanctioned by you, of the terms which it may be proper to offer to the present subscribers as the condition of transferring their interests into the fund thus modified, and to the officers in our service who do not subscribe to the present fund.

20. We shall approve of your allowing such subscribers to the present fund as may dissent to the transfer of their interest into the new fund, to continue their subscription under the Regulations as explained in our letter of the 22d February 1811, with respect to his Majesty's officers, their widows being allowed the present rates of pension ; but we are most desirous that you should endeavour to combine the two parts of the fund by such modifications as shall give substantial security to the new subscribers, while at the same time they improve its condition and preserve that good faith which is due to those who have contributed to the present fund.

21. From this reservation in favour of the existing subscribers to the present fund, however, must be excepted those subscribers who, under the new Regulations recently approved by you, have subscribed for a higher rate of pension than their widows would have been entitled to under the former Regulations, in reference to the rank of their husbands in the army. We cannot withhold the expression of our disapprobation of the sanction which you have given to a rule contravening entirely the only part, with one exception, of our instructions of 22d February 1811, which the managers of the Military Fund at your Presidency have thought proper to act upon. Whether we view the case of these subscribers in reference to the above considerations, or to the security of the fund, we have no hesitation in expressing our opinion that they ought to be placed in the situation from which the new Regulation may have induced them to remove (with the exception only of the difference between their regimental and army rank hereafter adverted to), and the amount returned to them which may have been subscribed under the Regulation in question, in excess of their former subscription.

22. We admit that the arguments used by the managers in favour of the proposition for opening every class of subscription to the service generally, are correct, as applied to a tontine, supported only by the contributions of its members.

23. Every subscriber's widow is, on that supposition, likely to benefit in proportion to the amount of the husband's subscription, and the sooner that subscription commences, the better for the fund. But if the fund be aided by charitable contributions, or by the contributions of the parties not deriving benefit from the fund, the widows of those who subscribe to the higher classes will, by obtaining a larger share of these contributions, diminish, *pro tanto*, the shares of the inferior classes.

24. We are disposed, however, so far to relax the principle of our former instructions as to consent to your allowing officers to subscribe according to their army rank, as was requested by Captain Faithful in his letter to the managers, dated 4th March 1820. In our instructions of 22d February 1811, we did not particularly treat of the difference established between the rates of contribution of married and unmarried subscribers. With a view to encourage the contributions of the latter class, we are prepared to sanction a difference of rates for the two classes.

25. We decidedly object to the principle sanctioned by the new Regulations, which requires a fresh certificate of health for every rise of class ; a condition which, however proper, when each class of subscription is open to every officer, although remaining stationary in rank, would operate with peculiar hardship when applied to rise by promotion, as it would deprive the widow of an officer of the pension of her class, in case her husband should suffer in his health in any stage of his

his promotion, either from climate, or the nature of the public service in which he might be engaged.

26. We have lately resolved to render it obligatory upon all civil servants appointed by us, in future to subscribe to the Civil Fund of their respective Presidencies, and to communicate to such of those servants now in India, our wish that they may subscribe; and our determination to refuse compliance with any application for relief on the behalf of widows or families of such servants as shall refuse to contribute to the fund.

27. It is our intention to adopt similar resolutions in regard to the subscription of military, medical, and ecclesiastical servants appointed for the Presidencies of Madras and Bombay, to the funds established for their respective services; and we shall be prepared to follow the same course in favour of the Bengal Military Widows' Fund, when its constitution shall have been revised upon the principles explained in this letter.

28. The adoption of such a resolution may render it proper that the principle of confining the operations of the fund to cases of distress should be so far modified as to admit of some contingent benefit to the contributors generally; as it respects the Civil Funds of Madras and Bombay, the optional annuities held out to a limited number of their subscribers will answer the purpose. Although the gradations of rank in the military service preclude the adoption of an arrangement precisely similar by the military funds, we are of opinion that a modification of the "eventual benefits," described in the 5th section of the Regulations of the Madras Military Fund, dated in October 1818, extending those or similar benefits to a limited number of officers not in ill health, may accomplish the object without interfering in any material degree with the benevolent purposes of the fund.

29. One of these benefits we have referred to above (para. 16), as having been recently brought into operation at Madras; and we consider it decidedly expedient in the modification that we have alluded to, that the benefit to individuals should be regulated upon the moderate scale adopted by the Madras Fund.

30. In desiring to be informed, at an early date, of your proceedings on the contents of this letter, we think it proper to state that in the event of the subscribers declining to accede to the revision, we shall probably recommend the institution of a separate fund, in favour of which we shall grant all those benefits which now are, and under other circumstances would be, conferred on the present fund.

LETTER from the Governor-General of India in Council to the Court of Directors, in the Military Department; dated 19 March 1825.

Para. 1. WE have now the honour, in reply to paras. 2 to 30 of your General letter of 26th February 1823, and with reference to our Separate letters of the 15th October 1822 (paras. 6 to 8), of 20th December 1822 (para. 15), and of 10th January 1824 (para. 3), to sum up the alterations effected in the late Military Widows' Fund of this Presidency, and the objections that exist against certain other modifications recommended by your Honourable Court.

2. The consultations noted in the margin show that we took an early opportunity of communicating the views of your Honourable Court relative to the fund, to its managers.

Cons. 4 July 1823, No. 1.
Cons. 15 July 1824, No. 122.

3. In the reply from those gentlemen, which forms the first of this series, they account fully for the delay which had occurred, and then proceed to state that application had been made for information as to the practical results of the Madras and Bombay Funds, and of any alterations which had been found expedient. We cannot on this subject do better than quote the words of the managers as to those results, in the 3d to 6th paras. of their letter of the 14th of August last:

Cons. 2 Sept. 1824, Nos. 148–150.

4. "(3.) From the tenor of the communications made to us, it appeared that two points in the plan of the new fund were considered very generally objectionable, and would induce a majority of the army to withhold their support from it.

One was the principle of making the amount of pensions to widows contingent on the amount of property left by their husbands, and the rigorous provisions under which it was to be applied; the other was the multitude of declarations on oath, required from claimants and incumbents. While we were doubting whether it would be prudent and practicable to carry the fund into execution against so many obstacles, we ascertained that the Regulations regarding property left by deceased subscribers had been already discarded from the Madras Fund, and that it was proposed to annul them in the Bombay Fund, 'as having been found difficult of execution and not at all productive.' The principle substituted in the former fund, and proposed to be substituted in the latter, is to make the amount of pensions contingent on the amount of contribution, so that if the aggregate donation and subscription added up, without interest, shall not amount to a certain sum, termed the minimum (the maximum being the sum which exempts from further contribution in each class), a certain deduction from one-fourth to two-fifths shall be made from all benefits issuing from the fund, either to subscribers or to families, till the required minimum be made up. From the declaration of the secretary to the Bombay Fund, that the Regulations which diminish or exclude the claims of widows possessed of incomes, from whatever source to a certain amount, had been found not at all productive, we are inclined to hope that the withdrawing those Regulations need not necessarily be followed by the adoption of those regarding the minimum, and so long as we felt satisfied that the stability of the fund could be secured without resorting to an expedient which trenches so considerably on the benefit of life-insurance, which every married subscriber seeks in such an institution, we would refrain from proposing its enactment. If recurrence to the minimum should ever be found an indispensable relief to the fund, the experience of what has taken place at Madras and Bombay would tend to show that the abatements resulting from it would be more acceptable and efficient than those consequent on the amount of property of which a subscriber may have died possessed.

5. "(4.) It appears that from the pensions to widows payable by the Madras and Bombay Funds, the amount of Lord Clive's Pension is, in all cases, deducted. We regret that this fact was inadvertently suppressed in the prospectus of the Bengal Fund, and the rates of pensions consequently stated higher than they ought to have been. We know not why the amount of Lord Clive's Pension, which is invariably deducted, should ever have been, as it still is, included in the ostensible 'full pension' granted by those funds; but when it is excluded, and the full pensions proportionably reduced, the capacity of the Bengal Fund to pay them without deductions on account of property left by deceased subscribers, or of their not having contributed to the extent of a minimum, will appear more probable.

6. "(5.) With respect to the number of declarations on oath, we are persuaded that the objections to them are not founded in any disposition to relax the obligation to adhere to truth in every statement required by the Regulations of the fund, but in a just repugnance to lessen the reverence in which an appeal to the Deity should be held, and would therefore gladly substitute in every instance the following form of words: "I do solemnly and sincerely declare," since we are convinced that any wilful violation of such an engagement, if detected, would be visited with as serious consequences to the reputation and fortune of the offenders as if the declaration had been made on oath.

7. "(6.) For these reasons we solicit the sanction of the Right honourable the Governor-general in Council, to our rescinding the Regulations regarding property left by deceased subscribers, and regarding declarations on oath. If his Lordship in Council should see fit to accede to these propositions, we would announce to the army, that the new fund was established from the 1st of November under the modifications adverted to in this letter, and anticipate the concurrence of a majority in its support. We would then lose no time in printing an amended code of Regulations, and procuring the election of the requisite number (13) of directors."

8. On such conclusive evidence as this, we could not refrain from coinciding with the recommendation of the managers on these two points, founded, as it obviously was, on the experience of the Madras and Bombay armies, and the evidently unanimous wish of this army that the amount of pensions to widows should not be contingent on the amount of property; secondly, the substitution

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of solemn delarations on honour for the oaths prescribed; lastly, that the amount of pensions to widows should in all cases be the British pay of their husbands, less the amount of Lord Clive's Pension, as appeared to be the case both at Madras and Bombay. The actual alterations which have taken place at Madras, and proposed to be adopted at Bombay (*vide* No. 149, Cons. 2d September 1824), were therefore embodied in the plan subsequently formed in Bengal, which received our acquiescence in No. 150, with the exception of the adoption of a maximum and minimum subscription, which the Bengal managers either do not offer a definite opinion upon, or conceive may be left to future discussion.

9. For these reasons, and for those more fully detailed by the management, we beg leave to recommend the Military Fund, as adopted on the 1st November last, to your special patronage and approbation. Everything recommended by your Honourable Court having been embodied in the new* rules but the two points above adverted to, which the longer experience of the other Presidencies have compelled them to modify; we are happy to have to state, that the beneficial results of the newly established fund are already manifested in an addition of 397 names to the subscription list, as per margin, which, with the daily experience of its efficacy, may be reasonably expected hereafter to increase.

*A printed copy is sent herewith.

	Married.	Unmarried.	Total
Old Fund, 31 Oct. 1824 -	283 -	159 -	442
New Fund, 1 Feb. 1825 -	325 -	514 -	839
Increase - -	42	355	397

10. With reference to the 16th para. of your General letter, 26th February 1823, we have accordingly given orders for the grant of the increased rate of interest (8 per cent.) on all securities of the Military Fund, in the same manner as has been done with the Orphan Fund; and we request that we may be authorised to direct 8 per cent. per annum, to be allowed for all sums that may be paid into the Treasury *bonâ fide* on account of the fund as now constituted; or on the balance of their account current with the Treasury, on all receipts passed by the sub-treasurer, as most convenient.

Cons. 11 March 1825. Nos. 225 and 226.

11. In bringing the last paper on this important subject to your notice, being a letter from the directors of the new fund, under date the 7th of January last, we beg most earnestly to recommend its contents to your favourable consideration and adoption. First, That you will be pleased to supply the agents of the fund in England, with the necessary sums for bills drawn on the directors in India, at an exchange of 2 *s.* 6 *d.* the rupee; and, Secondly, that you will render the subscription to the fund compulsory to all cadets or assistant-surgeons in future entering your service on this establishment, in every successive rank.

Cons. 11 March. No. 225.

12. In closing this summary, we deem it due to the interests of the fund as now modified, and to those of your Honourable Court, to suggest the earliest possible adoption of these propositions, as they will tend materially to strengthen and promote the charitable objects of the institution, and to obviate the constant claims on your benevolent consideration in behalf of the distressed families of deceased officers. We deem the institution in its present state, though not perfect, as nearly approaching to that unattainable object as the experience of which the directors have availed themselves could make it; and we feel it but just to state, that had it been attempted to enforce the mere abstract principle set forth by your Honourable Court, of rendering the pensions dependent on the amount of property, the subscribers, instead of doubling at once, would under the operation of all-powerful interests and calculations have dwindled to nothing, and your Honourable Court would have been left the sole contributors, ere long, to a fund which as now established, cannot fail to be productive of much solid benefit.

DESPATCH from the Court of Directors to the Governor-General of India in Council, in the Military Department; dated 1 February 1826.

5. WE have advanced to Messrs. Cockerell, Trail & Co., the sum of 7,000 *l.* on account of the Military Widows' Fund at your Presidency, and we forward (a number in the packet) their bills for the same, payable on demand by the president and managers of the fund to your Government, at an exchange of 2 *s.* 4 *d.* the sicca rupee, and with interest thereon at the rate of 5 per cent. per annum from the date of the bills until the day of repayment.

DESPATCH from the Court of Directors to the Governor-General of India in Council, in the Military Department; dated 12 July 1826.

16. WE have advanced to Messrs. Cockerell, Trail & Co., the sum of 8,500 *l.* on account of the Military Fund at your Presidency, and we forward (a number in the packet) their bills for the same, payable on demand by the president and managers of the fund to your Government, at an exchange of 2 *s.* 4 *d.* per sicca rupee, and with interest at 5 per cent. per annum from the date of the bills until the day of repayment.

DESPATCH from the Court of Directors to the Governor-General of India in Council, in the Military Department; dated 30 August 1826.

Letter from, dated 19 March 1825.

With reference to former correspondence on the subject of the Bengal Military Widows' Fund, and in more particular reply to Court's despatch of 26th February 1823, report that the Fund has been remodelled on the principles laid down by the Court in that letter, except in the following points, which are founded on the experience of the Madras and Bombay Funds.

1. The amount of pensions to widows is not to be contingent on the amount of property left by the deceased members.

2. Solemn declarations on honour are to be substituted for oaths.

3. The amount of pensions is to be the British pay of their late husbands, less the amount of Lord Clive's Pension.

Since the publication of the new plan, the number of subscribers has very much increased. With reference to para. 16 of Court's letter of 26th February, the increased rate of interest of 8 per cent. has been authorised on the securities of the Military Fund; and it is solicited that the same rate may be granted on the *bonâ fide* balances of the Fund paid into the Treasury, or on the balance of their account with the Treasury, or on all receipts passed by the sub-treasurer. Court are also requested to make the necessary advances to the agents in England repayable at Calcutta, at the exchange of 2 *s.* 6 *d.* the rupee, and to compel all cadets and assistant-surgeons in future appointed to subscribe.

93. THE experience obtained from the operation of the Madras and Bombay Funds induces us to accede to your wish, and to that of the subscribers to the Bengal Military Fund, that the amount of pensions to widows shall not be contingent on the amount of property left by their deceased husbands.

94. We also accede to your proposition for substituting solemn declarations on honour for affidavits, in all ordinary cases where there is no suspicion of unfairness.

95. The rates and rules for granting pensions and other benefits from the Bengal Military Fund, which are described in the printed Regulations transmitted to us, have likewise our sanction.

96. We shall make the desired advances to the agents of the fund in England on the same terms as are allowed to other Indian institutions, namely, 2 *s.* 4 *d.* per sicca rupee.

97. We also authorize you to allow 8 per cent. interest on the *bonâ fide* balances of the fund paid into the Treasury.

98. Finally we shall require all chaplains, cadets, and assistant-surgeons hereafter entering into our service to contribute to the Bengal Military Fund in the same manner as they are now obliged to contribute to the Orphan Fund; and to such as are already in our service in India, you will be pleased to communicate our wish that they may subscribe, and our determination to refuse compliance with any application for relief on behalf of the widows or families of such officers, military, medical, and ecclesiastical, as shall refuse to contribute to the fund.

DESPATCH from the Court of Directors to the Governor-General of India in Council, in the Public Department; dated 4 July 1832.

1. Our attention has lately been directed to the mode adopted for aiding the several compassionate, civil, and military funds in India, by the grants of interest at 8 per cent. per annum on their balances, and of high rates of exchange, principally at 2 *s.* 4 *d.* the rupee in effecting their remittances.

2. From the statement annexed, you will observe that the aggregate amount expended by us in the support of these funds is 71,020 *l.* per annum, of which only 14,365 *l.* arises from direct contribution. The remaining sum of 56,655 *l.* is expended in interest beyond the ordinary rate, and in exchange.

3. The rates of interest and exchange were, no doubt, formerly justified by those actually in use in general transactions, but that has long ceased to be the case. The

The interest on the registered debt of India incurred of late years is 5 per cent., and the sicca rupee remitted to England in bullion, does not produce more than 1 *s.* 11 *d.*, whilst the average out-turn of all descriptions of remittances effected by the Company during the last three years, has fallen below that rate of exchange.

4. Considering that the objects for which these institutions provide are servants of the Company in straitened circumstances, and their destitute widows and orphans, we forbear from directing the adoption of any measure which would have the effect either of reducing the rate of pension and other allowances granted by the several funds, or of throwing on the trustees the charge and risk of effecting remittances.

5. Being also of opinion that the aid afforded by the Company should, as far as possible, be stated as direct contribution, we desire that the rate of interest upon the balances of all the civil, military, and medical funds (excepting only the Civil Service Annuity Funds recently instituted), be reduced to 5 per cent. per annum from the 1st May next, and that on the 30th April in each following year the several funds be granted as a donation from the Company a sum equivalent to the difference between the amount to which the grant of such interest, and of interest at the rate now allowed would produce.

6. The advances from our Home Treasury to the institutions enumerated in the annexed statement, have of late years inconveniently and largely increased, and are still increasing. In the year 1816–17 they amounted to 25,360 *l.*, but in 1830–31 to 152,400 *l.*

7. We desire that you will inform the trustees of the several funds that we cannot engage to continue to an indefinite extent, either as to time or amount, a mode of assistance which has so far exceeded what we contemplated when it was first granted. For the present, however, we have resolved, that from and after the date of this despatch, the sums required in England for the use of the several funds shall be advanced, repayable in India at 12 months date, and at 1 *s.* 11 *d.* the sicca rupee, that being full as high as could be realized by a consignment of bullion; and we desire that the difference between the number of rupees reimbursed to you under this arrangement, and that which would have been reimbursed if the present rates of exchange had continued to be observed, be annually credited to the funds as a further donation from the Company.

STATEMENT showing the Aid which the several Funds in India derive from the East India Company.

BENGAL CIVIL FUND, instituted in 1804.

The direct aid from the Company to this fund is a donation of 2,500 *l.* per annum paid in England, and the indirect aids are a high rate of interest (8 per cent.) upon the balance, and the advantage of a remittance from India by bills upon the Court to the extent of 12,000 *l.* per annum, at the favourable rate of exchange of 2 *s.* 1 *d.* the sicca rupee.

In addition to these drafts the Court, in June 1828, advanced 10,000 *l.* to the agents of the fund "to prevent severe disappointment to the claimants in this country;" but this sum has recently been repaid here, with interest at 4 per cent.

The Court's aid, directly and indirectly, to the Bengal Civil Fund may be thus stated, viz.:—

	£.
Direct donation in England - - - - - - - - - -	2,500
Additional interest of 3 per cent. beyond the rate paid on sums borrowed by the Company upon the balance, which in 1826 was about 6¼ lacs, and calculating the sicca rupee at 2 *s.* 0 ½ *d.* - - - - -	1,914
Estimated gain on the annual drafts upon the Court of 12,000 *l.*, which are granted at 2 *s.* 1 *d.* the sicca rupee at 12 months date; deducting the interest the rate is reduced to 1 *s.* 11 ¾ *d.*, whereas the produce of the sicca rupee on the average out-turn of all descriptions of remittances during the last three years has been no more than 1 *s.* 9·07 *d.* being a difference of 2·68 *d.* per rupee, or 11·29 per cent. - -	1,355
TOTAL Aid per Annum - - - £.	5,769

BENGAL MILITARY FUND, instituted in 1806.

The direct aid to this fund is a donation of 24,000 sonaut rupees per annum in India.

The indirect aids are, interest at 3 per cent. beyond the value of money upon the balance, which in 1827 was about 17 lacs, and advances in England to the extent of 19,000 *l.* per annum.

	£.
The direct grant of 24,000 sonaut rupees or 22,965 sicca rupees, at 2 *s.* ½ *d.*, is	2,344
Surplus interest of 3 per cent. upon 17 lacs	5,206
The advances are made at 2 *s.* 4 *d.* the sicca rupee, but interest is payable in India on the advance made here, therefore deduct for six months' interest 7–10ths of a penny, which leaves the rate of advances at 2 *s.* 3·3 *d.* the sicca rupee, but as the out-turn of the rupee in the remittances home produces only 1 *s.* 9·07 *d.* there is a consequent loss to the Company of 22·82 per cent., or upon 19,000 *l.*	4,336
Per Annum £.	11,886

BENGAL MILITARY ORPHAN FUND, instituted in 1782.

This Society is divided into two branches, viz. :—

The Lower School, and the Upper School.

The Lower School is appropriated for the education of soldiers' children, and is supported by the Company.

The Upper School derives no direct donation from the Company, but receives indirect aid in having all the printing business to do for the Bengal Government, and an appropriation of a part of unclaimed shares of Rohilla prize-money. This fund also receives 8 per cent. interest upon its balance, and advances in England of 9,000 *l.* per annum, at the same rate of exchange as is granted to the Military Fund, which produces a loss to the Company of £.

	2,054
Surplus interest of 3 per cent. upon a balance of 4,65,300 rupees	1,425
Per Annum £.	3,479

MADRAS CIVIL FUND, instituted originally in 1787.

The Company's direct aid to this fund is an annual donation of 47,950 rupees.

The indirect aids are the usual high rate of interest of 8 per cent., and the advantages resulting from a remittance through the Company of 36,000 *l.* per annum, at a high rate of exchange of 25·76* per cent. beyond the out-turn of the rupee remitted home to cover the advances.

	£.
Direct donation of 47,950 rupees, at 1 *s.* 11 *d.* the rupee	4,595
Surplus interest of 3 per cent. upon the balance, on 30th April 1828, of 16,75,863 rupees	4,817
Aid by medium of remittance of 36,000 *l.* per annum, at 25·76 per cent.	9,274
Per Annum £.	18,686

MADRAS MILITARY FUND, established in 1808.

	£.
Direct contribution to this fund of 17,500 rupees per annum, at 1 *s.* 11 *d.* the rupee	1,677
Surplus interest of 3 per cent. upon the balance of 14,24,478 rupees, 30th April 1828	4,095
Aid in remittance of about 25,000 *l.* per annum, upon the same principle as is adopted in making advances to the Civil Fund	6,440
Per Annum £.	12,212

* The advances on account of the Madras and Bombay Funds are made at 2 *s.* 3 *d.* the rupee, or, deducting interest, 2 *s.* 2·325 *d.*; but as the intrinsic value of these rupees is less than the sicca by 1·526 *d.*, it follows that the advances to those funds at 2 *s.* 3 *d.* the rupee are more favourable than the advances made to the Bengal Funds.

MADRAS MEDICAL FUND, established in 1807.

	£.
Direct contribution to this fund 3,500 rupees per annum, at 1 *s.* 11 *d.* the rupee	335
Surplus interest of 3 per cent. upon 6,76,317 rupees, the balance on 30th April 1828	1,943
Aid by remittance of about 8,600 *l.* per annum, upon the principle stated above	2,215
Per Annum £.	4,493

BOMBAY CIVIL FUND, established in 1804.

	£.
Direct contribution to this fund 22,400 rupees per annum, at 1 *s.* 11 *d.* the rupee	2,147
Surplus interest of 3 per cent. upon the balances of 5,33,333 rupees	1,534
Aid by remittance of 18,250 *l.* per annum, upon the principle stated in respect to the remittances on account of the Madras Fund	4,701
Per Annum £.	8,382

BOMBAY MILITARY FUND, established in 1816.

	£.
Direct donation to this fund, 8,000 rupees per annum, at 1 *s.* 11 *d.* the rupee	767
Surplus interest of 3 per cent. upon 10,53,093 rupees, the balance on the 30th April 1828	3,028
Aid by remittance of about 9,000 *l.* per annum upon the above principle	2,318
Per Annum £.	6,113

STATEMENT exhibiting the Aid rendered by the Company directly and indirectly towards the Support of the several Funds noted in the foregoing Memorandum.

	Direct Aid.	Aid by a High Rate of Interest on the Balances.	Aid by a High Rate of Exchange in Remittances.	TOTAL.
	£.	£.	£.	£.
Bengal—Civil Fund	2,500	1,914	1,355	5,769
Military ditto	2,344	5,206	4,336	11,886
Military Orphan ditto	- -	1,425	2,054	3,479
Madras—Civil Fund	4,595	4,817	9,274	18,686
Military ditto	1,677	4,095	6,440	12,212
Medical ditto	335	1,943	2,215	4,493
Bombay—Civil Fund	2,147	1,534	4,701	8,382
Military ditto	767	3,028	2,318	6,113
Total per Annum £.	14,365	23,962	32,693	71,020

STATEMENT of the ADVANCES in *England* by the East India Company for each of the several Civil and Military Funds in *India*, during the last four years 1825–26 to 1828–29, and the Rate at which those Advances are repayable in *India*.

YEARS.	BENGAL.			MADRAS.			BOMBAY.		TOTAL.
	Civil Fund Donation.	Repayable at 2 *s.* 4 *d.* per Sicca Rupee, and Interest at 5 per cent. from date of Advance to day of Repayment.		Repayable at 2 *s.* 3 *d.* per Madras Rupee, and Interest at 5 per cent. from date of Advance to day of Repayment.			Repayable at 2 *s.* 3 *d.* per Bombay Rupee, and Interest at 5 per cent. from date of Advance to day of Repayment.		
		Military Widows' Fund.	Military Orphan Society.	Civil Fund.	Military Fund.	Medical Fund.	Civil Fund.	Military Fund.	
	£.	£.	£.	£.	£.	£.	£.	£.	£.
1825–26	2,500	15,000	7,600	36,500	22,000	7,600	22,000	10,000	123,200
1826–27	2,500	16,500	8,800	37,500	24,000	9,500	12,000	8,700	119,500
1827–28	2,500	19,500	11,500	35,100	26,000	8,500	24,000	6,000	133,100
1828–29	2,500	25,000	8,100	35,000	27,000	8,700	15,000	11,500	132,800
TOTAL £.	10,000	76,000	36,000	144,100	99,000	34,300	73,000	36,200	508,600

The Court also advanced the Bengal Civil Fund 10,000*l.* in June 1828, which was repaid with interest on 16th November 1829.

LETTER from the Court of Directors to the Governor-General of India in Council, in the Financial Department; dated 10 April 1838, No. 7.

Para. 1. IN considering a recent communication from the Government of Fort St. George, relative to a claim upon the Madras Military Fund, we discovered that different systems prevailed in the repayment in India of advances made here, on account of several compassionate funds, and that the Company have not been fully reimbursed on that account. The partial discovery of the difference at Madras, led to a claim on the part of the Government upon the trustees of the Military Fund for arrears of interest on the advances made subsequent to the new arrangement ordered in our circular despatch, dated 4 July 1832. That arrangement had for its object the granting by the Company in a direct contribution to the several funds, the same amount of pecuniary assistance as had been afforded to them previously in various indirect modes.

2. Against the demand of the Madras Government, the trustees of the Military Fund have appealed to us to be relieved on the ground that, as no specific directions were given to charge interest on advances under the new system, it was probably intended that such charge should be considered as a set-off against the loss which the fund would sustain by receiving credit only annually for a part of the direct contribution, viz. the difference between 8 and 5 per cent. interest on its balances and subscriptions, instead of quarterly or half yearly, as under the old system. The trustees also urge the depressed state of the fund, as affording additional ground for their appeal against the claim which they are called upon to discharge.

3. We find that the Madras Medical Fund has regularly been charged with interest on the advances made on the new system, but that no such charge has been made against the Civil Fund, notwithstanding it was stated in our advices of 23 January 1833, No. 4, to the Madras Government in announcing the usual advance to that institution, that "the difference of exchange to be credited to the fund is the difference between 2 *s.* 3 *d.*, the Madras rupee, minus the interest for 12 months, and 1 *s.* 11 *d.*, the sicca rupee, which is exclusive of interest."

4. At Bombay no interest appears to have been charged on the advances made to either of the funds, whilst at Bengal interest has been charged against all the funds, upon the advances made on their account.

5. By

5. By the new arrangement ordered in our circular despatch of 4 July 1832, we neither intended to diminish nor increase the aid theretofore afforded by the Company towards the support of the several compassionate funds, and therefore a system should have been adopted to have obtained that end in the most simple and uniform manner practicable.

6. To obtain this desirable object is the cause of our now addressing you. We believe that under the old system interest was charged upon the advances made on account of all the funds, either in a direct form or included in the bills of exchange, and we cannot therefore relinquish our claim to interest under the present system.

7. You will accordingly obtain full information upon the subject from the several Presidencies, and then require the necessary adjustments to be made in all cases where interest has not been charged upon the advances made by us subsequently to 4 July 1832.

8. If, upon inquiry, you shall be satisfied that the funds have sustained a loss by receiving credit only annually, instead of quarterly or half-yearly, for the difference of interest on their balances and subscriptions, as stated by the trustees of the Madras Military Fund, it will only be consistent with the arrangement which we have prescribed to make good such loss.

9. With respect to the appeal of the trustees of the Madras Military Fund to be relieved from the demand of *Rs.* 33,248. 1. 9. for arrears of interest on advances under the new arrangement, we regret that we cannot acquiesce therein. A compliance with that request would, it is obvious, be an additional donation to the fund, quite inconsistent with the orders of July 1832. We however direct that the claim of *Rs.* 3,578. 9. 9., included in the above sum for compound interest, be relinquished.

10. We shall forward copy of this despatch to the Governments of Madras and Bombay, but shall rely upon your seeing that the directions it contains are carried into effect.

Letter from the Governor-General of India in Council to the Court of Directors, in the Financial Department; dated 12 January 1854, No. 2.

1. We beg to lay before your Honourable Court copies of the papers noted in the margin,* on the subject of the affairs of the Bengal Military Fund, with reference to the measures recently adopted by the members for the improvement of its financial position.

2. Your Honourable Court will perceive that grave cause for apprehension has arisen from the liabilities of the fund having of late years gradually but perceptibly increased in a greater ratio than its means. This is attributable to the number of incumbents coming annually on the fund being greater than the number who leave it by death or remarriage.

3. In order to meet this untoward state of things, the army propose, first, to increase their own subscriptions, and, secondly, to decrease the pensions of the widows in England. The former of these proposals we have already approved of in the Military Department, and we submit it to the favourable consideration of your Honourable Court.

4. The proposed decrease of the pensions to widows in England appears to us to be founded in justice, certainly as far as future incumbents of the fund are concerned. The pensions in England were fixed at an amount which it was supposed subscriptions in this country would meet, at an exchange of 2*s.* 6*d.* the sicca rupee; whereas, not more than 2*s.* 4*d.* were allowed by your Honourable Court. The widows' pensions were consequently fixed at nearly 7 per cent. too high, and this 7 per cent. rose to nearly 9 per cent. when the pay of the army and the subscriptions

* Extract from the proceedings of the Most noble the Governor-general of India in Council, in the Military Department, No. 687, dated 18 November 1853; and enclosures.

scriptions to the fund were fixed in Company's instead of sonat rupees; for the sicca rupee was calculated at 4/8 per cent. above the sonat, and at 6/10/8 above the Company's rupee.

5. We next proceed to notice the pecuniary concessions solicited by the army.

Firstly. A more favourable exchange; at present the fund is allowed 2 *s.* 4 *d.* the sicca rupee, which is equivalent to 2 *s.* 2¼ *d.* the Company's rupee. The army ask for 2 *s.* 3 *d.* the Company's rupee, and to abolish the sicca altogether from the accounts. The exchange of 2 *s.* 3 *d.* is solicited by the army, because that rate is allowed to the sister institutions at the other Presidencies.

6. The simple course in our opinion would be to let the exchange be at 2 *s.* the Company's rupee, and to give the excess in the shape of donation.

Secondly. That in consideration of their only having received 2 *s.* 2¼ *d.* for a number of years, they may be allowed a readjustment of the old accounts at 2 *s.* 3 *d.*, or that they may be relieved from the interest charged to the fund on all sums advanced in England. This we submit for your consideration.

Thirdly. That your Honourable Court should only require 4 in place of 5 per cent. on your advances, the former rate being now the regular Government interest, and the amount given them here. The Government really allow 8 per cent. on all contributions, but 4 per cent. are adjusted as a donation having the nominal interest at 4 per cent. also; their request on this point we think fair, and may be conceded to them; and,

Fourthly. That the fund may be accounted for as a book debt, the subscriptions being carried to credit as soon as the amount is cut from the pay. To this we see no objection, as the book debt system was recommended for all the funds two or three years ago, but was not carried out through the opposition of one or two funds.

7. The fund appears to us to be certainly deserving of consideration, and we accordingly commend the requests of the directors to the favourable notice of your Honourable Court.

LETTER from the Governor-General of India in Council to the Court of Directors, in the Military Department; dated 4 February 1854, No. 30.

Cons. 18 Nov. 1853. No. 386. Cons. 27 Jan. 1854.

WE have the honour to transmit for the consideration and orders of your Honourable Court, the accompanying copy of a despatch submitting the request of the directors of the Bengal Military Fund to be allowed to carry into effect immediately the resolution of the subscribers to that fund, for increasing their subscriptions, and of our reply sanctioning the arrangement, subject to your approval.

2. The former proceedings referred to, regarding the measures to be adopted for securing the stability of the Military Fund, were forwarded to your Honourable Court in the Financial Department; and we have now to solicit your favourable attention to the representation of the directors regarding the rate of interest to be allowed in the additional sums which will now accrue to the fund.

LETTER from the Governor-General of India in Council to the Court of Directors, in the Military Department; dated 14 March 1854, No. 60.

Cons. 10 March 1854. Letter from Secretary Military Fund, No. 159, dated 7 February 1854.

1. WE have the honour to forward for the consideration and orders of your Honourable Court, an application from the directors of the Bengal Military Fund, soliciting on behalf of the subscribers that Government would undertake the management of the institution.

2. We have no objection to offer to the Military Fund being put on the same footing as the Civil Fund, with regard to a certain number of ex-officio members being appointed to the management.

DESPATCH from the Court of Directors to the Governor-General of India in Council, in the Financial Department ; dated 18 April 1855, No. 32.

1. THE first letter mentioned in the margin* announces the measures which have been adopted by the subscribers to the Bengal Military Fund for improving the financial condition of that institution. The second letter communicates the sanction of Government to carry out the resolution of the subscribers for increasing the donations and subscriptions of members from 1st July 1853 ; and the third letter forwards for our consideration an application from the directors of the fund to Government to " undertake the management of that institution."

2. With respect to the measures which have at length been adopted for the improvement of the financial condition of the fund, we observed in our despatch dated the 20th August 1845, No. 84, that we had no doubt there was an alarming deficiency in the means of the fund, " and we can therefore have no hesitation in sanctioning such measures as may be just and necessary, to put the fund on a sound footing. But whether this shall be done wholly by increasing the amount of subscriptions and donations of the service, or partly by diminishing the pensions, will require serious consideration."

3. It is admitted by the directors, that according to the most correct valuation which they have been able to obtain of the assets and liabilities of the fund, the deficiency of the assets " amounted in December 1851, in round numbers, to about 37 lacs of rupees." With a view of remedying this state of things, the directors submitted certain propositions for the votes of the subscribers at large, the object being to increase the contributions of the married class 25 per cent., and the unmarried class 12½ per cent., and to reduce the pensions payable in Europe about 9 per cent., by paying them at the exchange at which they are remitted, instead of at 2 *s.* 6 *d.* the rupee as formerly.

4. The propositions of the directors were agreed to by a very large majority of the subscribers who voted on the occasion. It is to be lamented, we think, that the retrogressive state of the fund was not arrested at an earlier period, as soon in fact as it was discovered, when measures of a less stringent character than those now adopted might have sufficed. Presuming, however, that the measures which the subscribers have agreed to were absolutely necessary to uphold the integrity of the fund, we have no hesitation in confirming them.

5. Various circumstances are referred to by the directors to account for the deteriorated condition of the fund. Defalcations on the part of the subordinate officers before the year 1840 to the extent of 250,000 rupees, would appear to have occurred from the want of proper check and audit, as it was not until that year those necessary measures were established. This serious loss to the fund, with interest, cannot be less than 50,000 *l.* It is of little use now to offer any observations on the inattention of the directors, who appear to have neglected even the ordinary means for preventing this disaster, the recollection of which, however, we hope will operate as a warning to their successors, and make them mindful of the importance of the trust reposed in them by their brother officers.

6. The next drawback on the fund appears to have been the payment of the pensions in Europe at the exchange of 2 *s.* 6 *d.*, the sicca rupee, whilst the remittances for that purpose have been made at only 2 *s.* 4 *d.*, the rupee, being a difference of nearly 7 per cent., or a loss of about 5,500 *l.* per annum, reckoning the amount of remittances at about 80,000 *l.* per annum. Upon the establishment of the fund, the directors appear to have expected that the court would accede

* Letter, dated 12 January 1854, No. 2, forwarding copies of papers on the affairs of the Bengal Military Fund, in reference to the measures adopted by the subscribers for the improvement of its financial condition.

Military letter, dated 4 February 1854, No. 30, reports the sanction by Government of the resolution of the subscribers for increasing the rates of contribution to the fund, and solicits the favourable attention of Court to the request of the directors of the fund for the allowance of the same rate of interest, on the increased as on the former subscription.

Military letter, dated 14 March 1854, No 60, submits for consideration, and orders an application from the directors of the fund, that Government would undertake the management of the fund.

accede to their request to grant the necessary advances to pay the pensions in Europe, at the rate of 2 *s.* 6 *d.*, the sicca rupee. This was, however, refused in a Military despatch, dated 30th August 1826, para. 96, and a rate of 2 *s.* 4 *d.* only was allowed, being the rate previously granted to the Orphan Society and the Military Widows' Fund. This should have led to the immediate substitution of a lower scale of pensions instead of that based upon the higher rate which was previously established by the directors.

7. Another cause to which the directors attribute the deteriorated position of the fund is the alteration of the currency in 1836, by legislative enactment, which declared the Company's rupee as equivalent to the sonat, and the consequent adjustment since that time of the Government donation for difference of exchange on more disadvantageous terms to the fund than previously.

8. Our advances have been made at an exchange of 2 *s.* 4 *d.* the sicca rupee, in conformity with our orders of the 30th August 1826, and we cannot after such a lapse of time re-open this question.

9. Approving, however, of the earnest desire recently evinced by the members of the fund to restore it to a sound position, we allow the advances made in this country to be repaid to Government at the exchange of 2 *s.* 3 *d.* the Company's rupee, instead of 2 *s.* 4 *d.*, the sicca, from 1st July 1853, the date from which the additional contributions of the army and the reduction in the widows' pensions commenced.

10. We are also disposed to remit for a time the interest on advances in England to meet the pensions and other home payments of the fund. This remission of interest to take place from the 1st July 1853, and the continuance of this boon to be periodically taken into consideration when the accounts of the fund are annually submitted to the Court. The yearly account of the fund to be regularly sent for the information of the Court.

11. The next point to which, in your Military letter of 4th February 1854, No. 30, you solicit "our favourable attention" is "the representation of the directors regarding the rate of interest to be allowed on the additional sums which will now accrue to the fund." Considering that those contributions are not levied for any new objects, but solely to enable the fund to fulfil its obligations under the existing rules, without endangering its permanent security, we are willing to allow the same rate of interest on the whole of the contributions.

12. Having given our best consideration to the several claims urged by the directors on behalf of the fund, and authorized as large a pecuniary concession in respect of them as we think can be fairly expected or justified, it only remains for us to communicate our decision upon the application to Government, to undertake the management of the affairs of the fund, a measure which we declined in our Military despatch, dated 19th March 1851, No. 11, on the application of an individual member.

13. The present application is, however, founded on a proposition circulated by the directors for ascertaining the views of the subscribers at large on the subject, and the result is certainly conclusive as to their wishes, 1,335 votes having been recorded in favour of placing the management of the fund in the hands of Government, and only 52 against it; we are not surprised at this result. For years past reports have been widely spread of mismanagement and doubts entertained of the solvency of the fund, while the opinions of actuaries have not allayed the anxiety of the subscribers on the latter point. Hence they are no doubt desirous that Government should undertake the management of the fund.

14. We do not consider it is the province of Government to interfere to that extent. It is true that in consideration of the praiseworthy object for which those institutions are established, we patronize them and afford them pecuniary assistance. In return, we have a right to expect that they shall be properly managed, and in reference to that question you observe in your Military letter, dated 14th March 1854, No. 60, that you "have no objection to offer to the Military Fund being put on the same footing as the Civil Fund with regard to a certain number of *ex-officio* members being appointed to the management."

15. We

15. We will not, therefore, object to the nomination by the Government of *ex-officio* directors for the fund as obtains in the Civil Service Fund, but we do not at present see any valid argument to induce us to interfere to a greater extent in the management of the fund. We, however, recommend the appointment by the directors of two auditors unconnected with the service, to examine the accounts and books of the fund prior to the annual general meeting of the subscribers held in accordance with the Regulations, and that the accounts laid before such meeting, and subsequently published for general information as required by Article 28 of the Regulations, should be authenticated by the signatures of the auditors.

DESPATCH from the Court of Directors to the Governor-General of India in Council, in the Financial Department; dated 25 June 1856, No. 50.

Letter from, dated 29th October 1855. No. 146.

Transmit further communications from the directors of the Bengal Military Fund, soliciting the concession of greater favours than those granted in the Court's despatch of 18th April 1855, and report proceedings in connexion therewith.

1. FROM the papers now transmitted, we learn that the Directors of the Bengal Military Fund have determined to submit to the army certain further proposals (including another reduction of the widows' pensions), in view to placing the institution in a perfectly solvent state.

2. We observe, however, from the statement of the estimated income and expenditure for the year 1855, which accompanied the report of the directors of the fund, dated 10th August 1855, that the effect of the measures which received our sanction in our despatch of the 18th April 1855, No. 32, have been to convert an estimated deficiency of 67,539 rupees, into an estimated surplus of 6,546 rupees.

3. If, notwithstanding this ameliorated condition of the fund it be considered by the directors and the army that more stringent measures are required, we are decidedly of opinion, that any further reduction of the pensions should be prospective only, as affecting widows hereafter admitted.

4. We cannot recognize on the part of the fund any claim as of right to receive further assistance from the public revenues, especially after the concessions which we have recently made towards its support. Nevertheless, if after the experience of two more years (from the 1st January 1856), it shall be found that the income of the fund is not equal to the charge upon it, we shall be prepared, upon condition of the army determining still further to increase their donations and subscriptions, to take into consideration whether it will not be proper that we should make an additional contribution to the fund.

EAST INDIA
(BENGAL MILITARY FUND).

CORRESPONDENCE
RELATING TO THE
BENGAL MILITARY FUND, &c.

(*Viscount Goderich.*)

Ordered, by The House of Commons, *to be Printed,*
8 *July* 1857.

166—Sess. 2.

Under 3 *oz.*

EAST INDIA (EDUCATION OF THE SONTHALS).

RETURN to an Order of the Honourable The House of Commons, dated 24 August 1857;—*for*,

COPY "of a DESPATCH from the Court of Directors of the East India Company to the Governor-General of India in Council, dated the 22d day of July 1857 (No. 97), respecting the EDUCATION of the SONTHALS."

India Board, August 1857. } HENRY DANBY SEYMOUR.

COPY of a LETTER from the Court of Directors of the East India Company to the Governor-General of India in Council dated 22 July 1857, (No. 97).

EDUCATION OF THE SONTHALS.

Letter from the Government of India to the East India Company, dated 31 December 1856 (No. 47).

Scheme for the education of the Sonthals through the agency of the Church Missionary Society.

1. WE are not in possession, as we ought to have been, of the correspondence which led to the proposal made by the Calcutta Committee of the Church Missionary Society, which, on the recommendation of the Lieutenant-Governor of Bengal, has received your sanction for the education of the Sonthals of Bhagulpore, through the instrumentality of the Society. The plan, however, is so clearly stated in the Minute of the Committee, that we have no difficulty in comprehending its scope and general bearing.

2. It is intended that the work shall be under the superintendence of one of the missionaries of the Society; that under him inspecting masters shall be employed; that, Government granting the requisite sum for salaries, and prescribing the amount of secular instruction to be imparted in the schools, the direction and carrying out of the plan shall be in the hands of the Church Missionary Committee, subject to the right of inspection, so far as relates to secular education, of all the schools, by the divisional inspector, or any other of the superior educational officers of Government. It is proposed that industrial instruction shall form part of the plan, and female education is to be introduced, as far as possible, from the beginning. The salary of the missionary in charge is to be paid by the Society, the Government paying an allowance of 100 or 150 rupees per mensem for travelling expenses, house rent, &c.; but the inspecting masters, and the establishment generally, are to be paid by Government, who are also to provide sites for schools and to defray the cost of school buildings. The amount required for all these purposes cannot at present be stated, but it is supposed that from 500 to 1,000 rupees per mensem may at the very beginning be sufficient.

3. On the subject being submitted for your orders, you accorded your sanction to the scheme, on the ground that it was to be regarded "as a grant in aid to a missionary body for the secular instruction of an uncivilised tribe;" and that as such it was "entirely in accordance with the views expressed in the Court's Despatch of 19 July 1854, and differing in degree only, not in kind, from the grants made to individual missionaries for like purposes with the Court's full approbation and sanction."

4. We

4. We cannot concur in the view taken by you of the proposed scheme of education. We consider the difference in degree, as you express it, to be so wide as to establish a new principle from that laid down in our letter of the 19th of July 1854.

The Sonthals, though equally debased in ignorance and devoid of rational religion with the races referred to in our despatch of 1854, differ from them in one important particular. They do not occupy separate regions or tracts of country so as to form isolated communities, locally separated, as well as socially distinct, from the Hindoo and Mussulman populations. They are, on the contrary, employed freely by zemindars and speculators in land of all classes for jungle clearance, and for other agricultural purposes, and are thus often located in close vicinity with well-inhabited towns and villages, and mix with the general population in many of the relations and concerns of life.

5. We do not feel, therefore, that, in dealing with the Sonthals, we are exempt from the necessity of maintaining that cautious line of proceeding which we ought always to deem so essential in the establishments founded or supported by Government for the education of the people of India.

6. Thus, although we by no means object to the amount of the expenditure you have proposed to sanction for the purpose of civilising and instructing the Sonthals, we cannot approve that part of the scheme which identifies the Government in measures prosecuted by the missionaries, and so exposes the arrangement to the risk of perverted misconstruction.

7. We are well aware that the Church Missionary Society has been marked, equally for zeal as for rectitude of intention, and laborious devotion to benevolent objects; but, however entitled to our confidence such an institution may have proved itself, we adhere to the conviction that it would be altogether opposed to the rules hitherto observed, if you were to take any steps which might have the appearance of uniting the Government with such a society in measures having the aim of converting any class of the population to Christianity.

8. We see no sufficient reason for applying to the case of the Sonthals a different principle from that which has been applied to the general population, and we accordingly direct that a scheme may be prepared for affording to the inhabitants of the Sonthal district the means of education through the agency of Government officers, who must be most strictly enjoined to abstain from any attempt to introduce religious subjects in any form.

EAST INDIA (EDUCATION OF THE SONTHALS).

COPY of a LETTER from the Court of Directors of the East India Company to the Governor-General of India in Council, dated 22d July 1857 (No. 97), respecting the EDUCATION of the SONTHALS.

(*Mr. Seymour.*)

Ordered, by The House of Commons, *to be Printed*,
24 *August* 1857.

295—Sess. 2.

Under 1 *oz.*

EAST INDIA (IMPORTATIONS).

RETURN to an Order of the Honourable The House of Commons, dated 24 July 1857;—*for*,

A RETURN "of East India Importations (in continuation of Parliamentary Paper, No. 928, of Session 1853)."

A STATEMENT of Imports of certain Articles from Places within the Limits of the East India Company's Charter, and from other Parts, with the Re-exportation and Consumption of the same Articles: 1853 to 1856.

(*Mr. Gregson.*)

Ordered, by The House of Commons, *to be Printed*, 19 *August* 1857.

A STATEMENT of Imports of certain Articles from Places within the Limits of the East India Company's Charter, and from other Parts, with the Re-exportation and Consumption of the same Articles: 1853 to 1856.

ARTICLES.	Years.	Quantities Imported into the United Kingdom: From Places within the Limits of the East India Company's Charter.	Quantities Imported into the United Kingdom: Other Parts.	Quantities Imported into the United Kingdom: All Parts.	Quantities Re-exported from the United Kingdom.	Quantities (of Articles chargeable with Duty) entered for Home Consumption in the United Kingdom: Imported from Places within the Limits of the East India Company's Charter.	Quantities (of Articles chargeable with Duty) entered for Home Consumption in the United Kingdom: Imported from other Parts.	Quantities (of Articles chargeable with Duty) entered for Home Consumption in the United Kingdom: Total Quantities entered for Home Consumption.	RATES OF DUTY.
		Lbs.	*Lbs.*	*Lbs.*	*Lbs.*	*Lbs.*	*Lbs.*	*Lbs.*	
Aloes	1853	165,314	81,261	246,575	157,506	- - -	- - -	- - -	From 19 March 1845, duty free.
	1854	305,199	52,380	357,579	166,550	- - -	- - -	- - -	
	1855	512,021	61,383	573,404	262,510	- - -	- - -	- - -	
	1856	517,075	25,255	542,330	455,999	- - -	- - -	- - -	
		Cwts.	*Cwts.*	*Cwts.*	*Cwts.*	*Cwts.*	*Cwts.*	*Cwts.*	
Borax, refined	1853	2,251	11	2,262	169	- - -	- - -	- - -	From 19 March 1845, duty free.
	1854	2,162	2	2,164	408	- - -	- - -	- - -	
	1855	679	25	704	344	- - -	- - -	- - -	
	1856	3,773	878	4,651	730	- - -	- - -	- - -	
Borax or Tincal, unrefined	1853	10,742	61	10,803	441	- - -	- - -	- - -	From 19 March 1845, duty free.
	1854	6,780	7,676	14,456	370	- - -	- - -	- - -	
	1855	8,689	8,076	16,765	687	- - -	- - -	- - -	
	1856	12,464	1,520	13,984	1,993	- - -	- - -	- - -	
Camphor, refined	1853	- - -	70	70	4	- - -	- - -	- - -	From 19 March 1845, 5*s.* per cwt. From 1 June 1853, duty free.
	1854	- - -	82	82	6	- - -	- - -	- - -	
	1855	51	51	102	4	- - -	- - -	- - -	
	1856	540	86	626	5	- - -	- - -	- - -	
Camphor unrefined	1853	1,060	39	1,099	4,017	- - -	- - -	- - -	From 19 March 1845, duty free.
	1854	379	244	623	877	- - -	- - -	- - -	
	1855	5,071	39	5,110	3,482	- - -	- - -	- - -	
	1856	4,450	55	4,505	1,755	- - -	- - -	- - -	
		Number.	*Number.*	*Number.*	*Number.*	*Number.*	*Number.*	*Number.*	
Canes; viz. Ruttans	1853	8,247,724	2,460,530	10,708,254	177,058	- - -	- - -	- - -	From 19 March 1845, duty free.
	1854	10,768,717	2,254,440	13,023,157	236,650	- - -	- - -	- - -	
	1855	7,481,126	477,080	7,958,206	141,388	- - -	- - -	- - -	
	1856	3,750,286	4,090,416	7,840,702	53,625	- - -	- - -	- - -	

		Cwts.	*Cwts.*	*Cwts.*	*Cwts.*	*Cwts.*	*Cwts.*	*Cwts.*	
Columbo root	1853	584	7	591	506	-	-	-	From 19 March 1845, duty free.
	1854	530	-	530	425	-	-	-	
	1856	1,410	-	1,410	1,083	-	-	-	
	1856	837	-	837	538	-	-	-	
Cowries	1853	14,292	18	14,310	17,113	-	-	-	From 19 March 1845, duty free.
	1854	9,045	140	9,185	13,391	-	-	-	
	1855	8,044	-	8,044	19,409	-	-	-	
	1856	18,932	103	19,035	7,211	-	-	-	
		Lbs.	*Lbs.*	*Lbs.*	*Lbs.*	*Lbs.*	*Lbs.*	*Lbs.*	
Cubebs	1853	11,351	37,160	48,511	12,439	-	-	-	From 19 March 1845, duty free.
	1854	13,373	36,830	50,203	4,856	-	-	-	
	1855	15,657	42,635	58,292	44,453	-	-	-	
	1856	18,704	37,553	56,257	15,074	-	-	-	
		Cwts.	*Cwts.*	*Cwts.*	*Cwts.*	*Cwts.*	*Cwts.*	*Cwts.*	
Elephants' Teeth	1853	4,210	5,741	9,951	2,607	-	-	-	From 19 March 1845, duty free.
	1854	4,091	4,712	8,803	2,314	-	-	-	
	1855	3,499	4,686	8,185	2,373	-	-	-	
	1856	5,359	3,907	9,266	2,615	-	-	-	
Gamboge	1853	453	2	455	1,056	-	-	-	From 19 March 1845, duty free.
	1854	173	-	173	235	-	-	-	
	1855	259	-	259	373	-	-	-	
	1856	294	12	306	413	-	-	-	
Gum Ammoniacum	1853	36	24	60	246	-	-	-	From 19 March 1845, duty free.
	1854	16	3	19	168	-	-	-	
	1855	-	-	-	79	-	-	-	
	1856	33	60	93	104	-	-	-	
Gum Arabic	1853	16,055	45,559	61,614	14,559	-	-	-	From 19 March 1845, duty free.
	1854	14,345	26,111	40,456	12,517	-	-	-	
	1855	13,981	29,979	43,960	20,607	-	-	-	
	1856	11,373	59,497	70,870	24,121	-	-	-	
Gum Asafœtida	1853	2,170	-	2,170	904	-	-	-	From 19 March 1845, duty free.
	1854	1,548	7	1,555	731	-	-	-	
	1855	1,204	47	1,251	795	-	-	-	
	1856	1,148	80	1,228	923	-	-	-	
Gum Shellac	1853	28,512	-	28,512	14,476	-	-	-	From 19 March 1845, duty free.
	1854	15,995	24	16,019	13,605	-	-	-	
	1855	20,822	845	21,667	15,026	-	-	-	
	1856	13,858	908	14,766	10,458	-	-	-	

(*continued*)

A STATEMENT of Imports of certain Articles from Places within the Limits of the East India Company's Charter, and from other Parts, &c.—*continued.*

ARTICLES.	Years.	Quantities Imported into the United Kingdom: From Places within the Limits of the East India Company's Charter.	Quantities Imported into the United Kingdom: Other Parts.	Quantities Imported into the United Kingdom: All Parts.	Quantities Re-exported from the United Kingdom.	Quantities (of Articles chargeable with Duty) entered for Home Consumption in the United Kingdom: Imported from Places within the Limits of the East India Company's Charter.	Quantities (of Articles chargeable with Duty) entered for Home Consumption in the United Kingdom: Imported from other Parts.	Quantities (of Articles chargeable with Duty) entered for Home Consumption in the United Kingdom: Total Quantities entered for Home Consumption.	RATES OF DUTY.
		Cwts.	*Cwts.*	*Cwts.*	*Cwts.*	*Cwts.*	*Cwts.*	*Cwts.*	
Gum Seedlac	1853	67	-	67	819	-	-	-	From 19 March 1845, duty free.
	1854	-	-	-	39	-	-	-	
	1855	613	-	613	29	-	-	-	
	1856	613	-	613	1,031	-	-	-	
Gum Sticklac	1853	1,513	75	1,588	2,504	-	-	-	From 19 March 1845, duty free.
	1854	2,025	-	2,025	1,824	-	-	-	
	1855	2,577	18	2,595	3,306	-	-	-	
	1856	1,151	-	1,151	1,417	-	-	-	
Gum Lac Dye	1853	17,808	242	18,050	6,053	-	-	-	From 19 March 1845, duty free.
	1854	16,588	283	16,871	4,627	-	-	-	
	1855	9,343	81	9,424	6,121	-	-	-	
	1856	10,704	271	10,975	4,185	-	-	-	
Gutta Percha	1853	20,323	1,469	21,792	1,711	-	-	-	From 19 March 1845, duty free.
	1854	24,514	182	24,696	2,754	-	-	-	
	1855	23,221	314	23,535	2,841	-	-	-	
	1856	13,137	2,420	15,557	2,540	-	-	-	
Hemp, rough or undressed	1853	340,487	897,385	1,237,872	20,460	-	-	-	From 19 March 1845, duty free.
	1854	630,007	581,290	1,211,297	19,486	-	-	-	
	1855	696,543	471,135	1,267,678	45,805	-	-	-	
	1856	790,691	711,935	1,502,626	51,932	-	-	-	
Hides, not tanned, tawed, curried, or in any way dressed.	1853	190,184	560,125	750,309	85,816	-	-	-	From 24 March 1845, duty free.
	1854	202,251	398,948	601,199	111,931	-	-	-	
	1855	214,574	401,203	615,777	161,717	-	-	-	
	1856	269,704	388,452	658,156	158,933	-	-	-	
		Lbs.	*Lbs.*	*Lbs.*	*Lbs.*	*Lbs.*	*Lbs.*	*Lbs.*	
Hides, tanned, tawed, curried, or dressed.	1853	87,323	7,248,924	7,336,247	51,646	-	-	-	Tanned, but not otherwise dressed:—From 24 March 1845, duty free.
	1854	651,694	3,542,104	4,193,798	135,241	-	-	-	
	1855	1,277,476	3,110,131	4,387,607	346,484	-	-	-	Tawed, curried, or in any way dressed:—From 19 March 1846, duty free.
	1856	878,331	2,359,785	3,238,116	192,184	-	-	-	

		Tons.	*Tons.*	*Tons.*	*Tons.*	*Tons.*	*Tons.*	*Tons.*	
Horns, Horn Tips, and pieces of Horns.	1853	1,728	1,771	3,499	852	- - -	- - -	- - -	From 19 March 1845, duty free.
	1854	2,226	1,460	3,686	838	- - -	- - -	- - -	
	1855	2,127	983	3,110	1,255	- - -	- - -	- - -	
	1856	1,761	1,211	2,972	888	- - -	- - -	- - -	
		Cwts.	*Cwts.*	*Cwts.*	*Cwts.*	*Cwts.*	*Cwts.*	*Cwts.*	
Oil, Castor - - - - -	1853	22,580	17	22,597	5,280	- - -	- - -	- - -	From 19 March 1845, duty free.
	1854	8,949	19	8,968	5,529	- - -	- - -	- - -	
	1855	11,984	8	11,992	8,649	- - -	- - -	- - -	
	1856	29,595	498	30,093	11,426	- - -	- - -	- - -	
		Lbs.	*Lbs.*	*Lbs.*	*Lbs.*	*Lbs.*	*Lbs.*	*Lbs.*	
Rhubarb - - - - -	1853	67,376	73,006	140,382	100,035	- - -	- - -	- - -	From 19 March 1845, duty free.
	1854	61,008	23,971	84,979	81,503	- - -	- - -	- - -	
	1855	25,682	41,209	66,891	39,547	- - -	- - -	- - -	
	1856	169,262	23,162	192,424	177,112	- - -	- - -	- - -	
		Cwts.	*Cwts.*	*Cwts.*	*Cwts.*	*Cwts.*	*Cwts.*	*Cwts.*	
Rice, not rough or in the husk -	1853	1,405,806	98,823	1,504,629	625,700	715,446	81,593	797,039	From 9 March 1846: Of British Possessions - - 6 *d.* p' cwt. Not of British Possessions 1 *s.* „
	1854	1,305,640	37,108	1,342,748	804,490	801,789	44,686	846,475	
	1855	2,194,947	43,211	2,238,158	754,226	936,690	42,214	978,904	From 4 June 1853: From all parts - - - - - 4½ *d.* „
	1856	3,609,126	82,875	3,692,001	1,090,819	1,379,181	60,545	1,439,726	
		Qrs.	*Qrs.*	*Qrs.*	*Qrs.*	*Qrs.*	*Qrs.*	*Qrs.*	
Rice, rough and in the husk -	1853	5,801	13,676	19,477	- - -	3,445	13,674	17,119	From 9th March 1846: Of British Possessions - - 1 *d.* p' qr. Not of British Possessions 1 *s.* „
	1854	6,990	11,966	18,956	645	9,458	12,041	21,499	
	1855	11,574	7,099	18,673	15	8,289	7,099	15,388	From 4th June 1853: From all parts - - - - - 9 *d.* p' qr.
	1856	25,885	6,809	32,694	2	21,658	7,090	28,748	
		Cwts.	*Cwts.*	*Cwts.*	*Cwts.*	*Cwts.*	*Cwts.*	*Cwts.*	
Safflower - - - - -	1853	9,281	281	9,562	7,559	- - -	- - -	- - -	From 19 March 1845, duty free.
	1854	12,692	16	12,708	8,207	- - -	- - -	- - -	
	1855	11,578	- - -	11,578	8,066	- - -	- - -	- - -	
	1856	7,542	471	8,013	6,491	- - -	- - -	- - -	
Sago - - - - - -	1853	93,133	1,570	94,703	2,325	80,156	952	81,108	From 19 March 1846, 6 *d.* per cwt. From 4 June 1853 - 4½ *d.* „
	1854	126,895	1,894	128,789	8,373	118,880	2,166	121,046	
	1855	92,570	230	92,800	4,842	108,325	174	108,499	
	1856	134,938	2,130	137,068	4,580	128,007	2,689	130,696	
Saltpetre - - - - -	1853	297,229	5	297,234	63,299	- - -	- - -	- - -	From 19 March 1845, duty free.
	1854	436,417	42,289	478,706	39,874	- - -	- - -	- - -	
	1855	184,355	3,718	188,073	68,219	- - -	- - -	- - -	
	1856	376,004	11,635	387,639	98,320	- - -	- - -	- - -	

(*continued*)

A STATEMENT of Imports of certain Articles from Places within the Limits of the East India Company's Charter, and from other Parts, &c.—*continued.*

ARTICLES.	Years.	Qantities Imported into the United Kingdom: From Places within the Limits of the East India Company's Charter.	Qantities Imported into the United Kingdom: Other Parts.	Qantities Imported into the United Kingdom: All Parts.	Quantities Re-exported from the United Kingdom.	Quantities (of Articles chargeable with Duty) entered for Home Consumption in the United Kingdom: Imported from Places within the Limits of the East India Company's Charter.	Quantities (of Articles chargeable with Duty) entered for Home Consumption in the United Kingdom: Imported from other Parts.	Quantities (of Articles chargeable with Duty) entered for Home Consumption in the United Kingdom: Total Quantities entered for Home Consumption.	RATES OF DUTY.
		Cwts.	*Cwts.*	*Cwts.*	*Cwts.*	*Cwts.*	*Cwts.*	*Cwts.*	
Sanguis Draconis	1853	102	1	163	95	- - -	- - -	- - -	From 19 March 1845, duty free.
	1854	398	5	403	145	- - -	- - -	- - -	
	1855	130	- - -	130	78	- - -	- - -	- - -	
	1856	35	- - -	35	37	- - -	- - -	- - -	
Seeds:									
Aniseed	1853	723	894	1,617	841	- - -	- - -	- - -	From 1 June 1845, duty free.
	1854	164	579	743	484	- - -	- - -	- - -	
	1855	805	158	963	852	- - -	- - -	- - -	
	1856	247	300	547	485	- - -	- - -	- - -	
		Qrs.	*Qrs.*	*Qrs.*	*Qrs.*	*Qrs.*	*Qrs.*	*Qrs.*	
Flax Seed and Linseed	1853	151,113	884,222	1,035,335	49,521	- - -	- - -	- - -	From 1 June 1845, duty free.
	1854	196,646	631,867	828,513	79,782	- - -	- - -	- - -	
	1855	364,364	392,587	756,951	131,370	- - -	- - -	- - -	
	1856	343,009	837,171	1,180,180	43,182	- - -	- - -	- - -	
Rape Seed	1853	53,817	32,998	86,815	24,661	- - -	- - -	- - -	From 1 June 1845, duty free.
	1854	47,761	55,394	103,155	9,450	- - -	- - -	- - -	
	1855	140,115	22,238	162,353	74,632	- - -	- - -	- - -	
	1856	252,748	12,172	264,920	122,027	- - -	- - -	- - -	
		Lbs.	*Lbs.*	*Lbs.*	*Lbs.*	*Lbs.*	*Lbs.*	*Lbs.*	
Senna	1853	157,654	31,931	189,585	177,595	- - -	- - -	- - -	From 19 March 1845, duty free.
	1854	236,582	67,613	304,195	198,857	- - -	- - -	- - -	
	1855	78,445	60,776	139,221	142,726	- - -	- - -	- - -	
	1856	349,500	76,683	426,183	208,762	- - -	- - -	- - -	
Silk, Raw and Waste	1853	3,447,512	5,160,408	8,607,920	455,631	- - -	- - -	- - -	From 19 March 1845, duty free.
	1854	5,562,531	4,154,690	9,717,221	1,189,487	- - -	- - -	- - -	
	1855	5,394,948	2,579,804	7,974,752	2,305,395	- - -	- - -	- - -	
	1856	4,427,309	4,971,602	9,398,911	1,501,542	- - -	- - -	- - -	

Silk Manufactures, as entered previously to the alteration in the tariff in the year 1853:								
		Pieces.	*Pieces.*	*Pieces.*	*Pieces.*	*Pieces.*	*Pieces.*	*Pieces.*
Bandannas, and other Silk Handkerchiefs.	1853 (to 11 June)	156,100	3,944	160,044	147,843	95,758	3,484	99,242
Silks and Crapes, in Pieces	1853 (to 11 June)	12,806	505	13,311	19,824	1,699	453	2,152
		Number.	*Number.*	*Number.*	*Number.*	*Number.*	*Number.*	*Number.*
Crape Shawls, Scarfs, and Handkerchiefs.	1853 (to 11 June)	8,823	14,337	23,160	20,879	588	116	704

From 19 March 1846 to 11 June 1853:
Of British Possessions £.5 per centum ad valorem.
Not of British Possessions £.15 per centum ad valorem.

From 11 June 1853:

Silk Manufactures, as entered subsequently to the alteration in the tariff in the year 1853:								
		Pieces.	*Pieces.*	*Pieces.*	*Pieces.*	*Pieces.*	*Pieces.*	*Pieces.*
Corahs, Choppas, Bandannas, Tussore Cloths, Romals, and Taffaties.	1853 (from 11 June)	292,622	15,103	307,725	208,150	60,524	2,485	63,009
	1854	462,823	19,598	482,421	353,055	147,183	5,540	152,723
	1855	412,600	68,075	480,675	367,123	54,277	19,671	73,948
	1856	586,747	14,714	601,461	396,316	102,480	5,713	108,193

In pieces, p' piece.
not exceeding 5¼ yards in length 4*d.*
exceeding 5¼ and not exceeding 6¼ yards 6*d.*
exceeding 6¼ and not exceeding 7¼ yards 8*d.*
exceeding 7¼ and not exceeding 8¼ yards 9*d.*
exceeding 8¼ and not exceeding 9¼ yards 10*d.*
exceeding 9¼ yards 1½*d.* for every additional yard.

From 8 August 1854:

In pieces, p' piece.
not exceeding 6¼ yards in length 6*d.*
exceeding 6¼ and not exceeding 7¼ yards 8*d.*
exceeding 7½ and not exceeding 12 yards 10*d.*

		Lbs.	*Lbs.*	*Lbs.*	*Lbs.*	*Lbs.*	*Lbs.*	*Lbs.*
China Crape Shawls, Scarfs, and Handkerchiefs, and Crape in Pieces.	1853 (from 11 June)	2,168	8,827	10,995	6,406	790	405	1,195
	1854	13,887	10,113	24,000	30,575	1,337	1,496	2,833
	1855	6,110	18,843	24,953	22,121	1,624	937	2,561
	1856	14,654	19,806	34,460	24,280	1,706	1,111	2,817

From 11 June 1853:
Plain and Damask - - 3*s.* per lb.
Embroidered - - - 5*s.* „

		Yards.	*Yards.*	*Yards.*	*Yards.*	*Yards.*	*Yards.*	*Yards.*
China Damask - - -	1853 (from 11 June)	2,308	8,294	10,602	9,407	359	3,518	3,877
	1854	26,353	14,258	40,611	18,542	5,239	5,426	10,665
	1855	15,133	10,907	26,040	10,740	5,473	3,664	9,137
	1856	7,041	13,296	20,337	17,589	6,591	8,759	15,350

From 11 June 1853, 8*d.* per running yard.

(*continued*)

A STATEMENT of Imports of certain Articles from Places within the Limits of the East India Company's Charter, and from other Parts, &c.—*continued.*

ARTICLES.	Years.	Quantities Imported into the United Kingdom: From Places within the Limits of the East India Company's Charter.	Quantities Imported into the United Kingdom: Other Parts.	Quantities Imported into the United Kingdom: All Parts.	Quantities Re-exported from the United Kingdom.	Quantities (of Articles chargeable with Duty) entered for Home Consumption in the United Kingdom: Imported from Places within the Limits of the East India Company's Charter.	Quantities (of Articles chargeable with Duty) entered for Home Consumption in the United Kingdom: Imported from other Parts.	Quantities (of Articles chargeable with Duty) entered for Home Consumption in the United Kingdom: Total Quantities entered for Home Consumption.	RATES OF DUTY.
Silk Manufactures, &c.—*cont^d.*		*Pieces.*	*Pieces.*	*Pieces.*	*Pieces.*	*Pieces.*	*Pieces.*	*Pieces.*	
Pongees	1853 (from 11 June.)	742	716	1,458	2,067	243	423	666	From 11 June 1853: In pieces, not exceeding 15 yards in length p' piece. 2 *s.*; exceeding 15 and not exceeding 21 yards in length 3 *s.*; exceeding 21 and not exceeding 31 yards in length 5 *s.*
	1854	1,847	802	2,649	984	1,144	216	1,360	
	1855	4,633	1,452	6,085	3,531	1,619	461	2,080	
	1856	1,321	1,677	2,998	2,819	1,074	47	1,121	
Pongee Handkerchiefs	1853 (from 11 June.)	2,435	6,185	8,620	3,913	2,924	1,141	4,065	From 11 June 1853: In pieces, not exceeding 9 yards in length p' piece. 1*s.* 6*d.*; exceeding 9 and not exceeding 18 yards in length 3 *s.*
	1854	11,414	1,653	13,067	7,690	6,276	3,238	9,514	
	1855	9,362	2,707	12,069	4,739	6,270	1,724	7,994	
	1856	9,964	8,658	18,622	6,030	5,621	3,006	8,627	
Spices, viz.		*Lbs.*	*Lbs.*	*Lbs.*	*Lbs.*	*Lbs.*	*Lbs.*	*Lbs.*	
Cassia Lignea	1853	147,650	72,936	220,586	156,972	86,495	49,868	136,363	From 9 July 1842: Of British Possessions 1 $\frac{1}{20}$ *d.* per lb.; Not of British Possessions 3 $\frac{3}{20}$ *d.* „ From 4 June 1853: From all parts 1 *d.* per lb.
	1854	494,727	19,027	513,754	307,691	102,618	21,685	124,303	
	1855	726,134	71,739	797,873	454,925	75,959	34,161	110,120	
	1856	1,350,804	57,217	1,408,021	615,703	108,686	29,271	137,957	
Cassia Buds	1853	26,779	260	27,039	17,406	- - -	- - -	- - -	From 19 March 1845, duty free.
	1854	15,544	14,687	30,231	1,593	- - -	- - -	- - -	
	1855	7,599	5,444	13,043	21,266	- - -	- - -	- - -	
	1856	62,310	56,960	119,270	14,671	- - -	- - -	- - -	
Cinnamon	1853	708,616	13,060	721,676	544,084	35,477	2,227	37,704	From 9 July 1842: Of British Possessions 3 $\frac{3}{20}$ *d.* per lb.; Not of British Possessions 6 $\frac{3}{10}$ *d.* „ From 4 June 1853: From all parts 2 *d.* per lb.
	1854	772,736	5,458	778,194	766,521	53,616	440	54,056	
	1855	697,960	63,524	761,484	782,354	39,684	3,262	42,946	
	1856	747,908	33,323	781,231	704,289	42,647	1,385	44,032	

Cloves	1853	416,853	56,144	472,997	114,720	139,432	89,400	228,832	From 15 May 1840, 6 $\frac{3}{10}$ *d.* per lb.
	1854	1,252,427	99	1,252,526	711,016	158,633	20,774	179,407	
	1855	856,672	7,667	864,339	741,365	203,824	16,825	220,649	From 4 June 1853 - 2 *d.* „
	1856	1,453,342	48,973	1,502,315	882,593	161,185	53,523	214,708	
		Cwts.	*Cwts.*	*Cwts.*	*Cwts.*	*Cwts.*	*Cwts.*	*Cwts.*	From 9 July 1842:
Ginger	1853	6,097	16,042	22,139	6,003	6,394	11,183	17,577	Of British Possessions - 5 *s.* 3 *d.* p' cwt.
	1854	11,645	13,158	24,803	7,868	5,295	11,342	16,637	Not of British Possessions, 10 *s.* 6 *d.* „
	1855	5,321	11,182	16,503	5,831	12,187	9,226	21,413	From 20 August 1853:
	1856	4,866	9,169	14,035	8,198	5,338	9,036	14,374	Of British Possessions - 5 *s.* per cwt.
									Not of British Possessions, 10 *s.* „
									From 18 March 1854:
									From all parts - - - - 5 *s.* per cwt.
		Lbs.	*Lbs.*	*Lbs.*	*Lbs.*	*Lbs.*	*Lbs.*	*Lbs.*	
Mace	1853	78,854	4,168	83,022	65,343	22,950	608	23,558	From 15 May 1840, 2 *s.* 7 $\frac{1}{2}$ *d.* per lb.
	1854	115,070	1,789	116,859	65,477	24,670	914	25,584	
	1855	65,051	705	65,756	48,954	27,760	803	28,563	From 4 June 1853, 1 *s.* per lb.
	1856	114,961	3,151	118,112	50,866	26,050	1,253	27,303	
									From 23 December 1847:
									Nutmegs, not wild - - - 2 *s.* 6 *d.* p' lb.
Nutmegs	1853	284,129	16,434	300,563	102,350	198,343	9,856	208,199	„ wild, in the shell - 3 *d.* „
	1854	388,486	49,826	438,312	172,744	186,651	19,398	206,049	„ wild, not in the shell, 5 *d.* „
	1855	316,916	18,707	335,623	163,248	173,358	16,189	189,547	From 4 June 1853:
	1856	433,353	29,247	462,600	164,287	204,710	27,635	232,345	Nutmegs, not wild - - - 1 *s.* „
									„ wild, in the shell - 3 *d.* „
									„ wild, not in the shell, 5 *d.* „
Pepper	1853	5,311,326	185,559	5,496,885	4,079,904	3,273,825	187,509	3,461,334	From 15 May 1840, 6 $\frac{3}{10}$ *d.* per lb.
	1854	8,858,868	570,014	9,428,882	3,996,990	3,470,710	249,824	3,720,534	
	1855	6,359,905	129,100	6,489,005	3,828,820	3,539,403	107,941	3,647,344	
	1856	10,553,323	257,075	10,810,398	4,923,201	3,674,375	92,408	3,766,783	
		Tons.	*Tons.*	*Tons.*	*Tons.*	*Tons.*	*Tons.*	*Tons.*	
Terra Japonica, and Cutch	1853	4,261	128	4,389	994	- - -	- - -	- - -	From 19 March 1845, duty free.
	1854	5,681	781	6,462	1,192	- - -	- - -	- - -	
	1855	7,669	14	7,683	1,926	- - -	- - -	- - -	
	1856	8,066	470	8,536	1,031	- - -	- - -	- - -	

(*continued*)

A STATEMENT of Imports of certain Articles from Places within the Limits of the East India Company's Charter, and from other Parts, &c.—*continued.*

ARTICLES.	Years.	Quantities Imported into the United Kingdom: From Places within the Limits of the East India Company's Charter.	Quantities Imported into the United Kingdom: Other Parts.	Quantities Imported into the United Kingdom: All Parts.	Quantities Re-exported from the United Kingdom.	Quantities (of Articles chargeable with Duty) entered for Home Consumption in the United Kingdom: Imported from Places within the Limits of the East India Company's Charter.	Quantities (of Articles chargeable with Duty) entered for Home Consumption in the United Kingdom: Imported from other Parts.	Quantities (of Articles chargeable with Duty) entered for Home Consumption in the United Kingdom: Total Quantities entered for Home Consumption.	RATES OF DUTY.
		Cwts.	*Cwts.*	*Cwts.*	*Cwts.*	*Cwts.*	*Cwts.*	*Cwts.*	
Tin, in Blocks, Ingots, Bars, or Slabs.	1853	36,053	13,687	49,740	21,450	- - -	- - -	- - -	From 9 July 1842: Of British Possessions, - 3 *s.* 1 $\frac{8}{10}$ *d.* p'cwt. Not of British Possessions, 6 *s.* 3 $\frac{6}{10}$ *d.* „
	1854	36,717	8,304	45,021	13,376	- - -	- - -	- - -	
	1855	23,865	8,382	32,247	5,608	- - -	- - -	- - -	
	1856	31,709	37,573	69,282	4,005	- - -	- - -	- - -	From 4 June 1853, duty free.
		Tons.	*Tons.*	*Tons.*	*Tons.*	*Tons.*	*Tons.*	*Tons.*	
Turmeric - - - -	1853	437	1	438	359	- - -	- - -	- - -	From 19 March 1845, duty free.
	1854	64	- - -	64	133	- - -	- - -	- - -	
	1855	4	23	27	72	- - -	- - -	- - -	
	1856	208	159	367	42	- - -	- - -	- - -	
		Cwts.	*Cwts.*	*Cwts.*	*Cwts.*	*Cwts.*	*Cwts.*	*Cwts.*	
Wax, Bees', Bleached - -	1853	1,263	1,011	2,274	606	- - -	- - -	- - -	From 19 March 1845, duty free.
	1854	375	188	563	496	- - -	- - -	- - -	
	1855	632	307	939	280	- - -	- - -	- - -	
	1856	775	230	1,005	26	- - -	- - -	- - -	
Wax, Bees', Unbleached - -	1853	2,195	7,192	9,387	3,578	- - -	- - -	- - -	From 19 March 1845, duty free.
	1854	1,550	8,720	10,270	3,421	- - -	- - -	- - -	
	1855	1,207	8,513	9,720	3,418	- - -	- - -	- - -	
	1856	1,411	11,350	12,761	5,696	- - -	- - -	- - -	
Wood, viz:—		*Loads.*	*Loads.*	*Loads.*	*Loads.*	*Loads.*	*Loads.*	*Loads.*	
Teak Wood - - -	1853	7,539	7,392	14,931	559	- - -	- - -	- - -	From 19 March 1845, duty free.
	1854	21,593	7,063	28,656	446	- - -	- - -	- - -	
	1855	15,712	8,118	23,830	350	- - -	- - -	- - -	
	1856	16,621	4,999	21,620	79	- - -	- - -	- - -	

Office of the Inspector-General of Imports and Exports,
Custom House, London,
17 August 1857.

John A. Messenger,
Inspector-General of Imports and Exports.

EAST INDIA (IMPORTATIONS).

STATEMENT of IMPORTS of certain ARTICLES from Places within the Limits of the EAST INDIA COMPANY'S CHARTER, and from other Parts, with the RE-EXPORTATION and CONSUMPTION of the same Articles: 1853 to 1856 (in continuation of Parliamentary Paper, No. 928, of Session 1853).

(*Mr. Gregson.*)

Ordered, by The House of Commons, *to be Printed*, 19 *August* 1857.

285.—Sess. 2.

Under 2 *oz.*

EAST INDIA (LIBERTY OF THE PRESS)

RETURN to an Order of the Honourable The House of Commons, dated 18 August 1857;—*for*,

COPIES "of any DESPATCH from the Governor-General of *India*, stating his Reasons for making the Act, No. 15, 1857, for the RESTRICTION of the LIBERTY of the PRESS, applicable to the European portion of the Population as well as to the Native:"

"Of the ACT, No. 15, 1857:"

"And, of any MEMORIAL, PETITION, or REMONSTRANCE, addressed to the Governor-General by the European Population in consequence."

(With Appendices (A.) (B.) (C.) added).

Note.—No Memorial, Petition or Remonstrance, of the description alluded to in the Order, has been received by the Court of Directors of the East India Company.

East India House,
24 August 1857.

JAMES C. MELVILL.

LIST.

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HOME DEPARTMENT.—No. 62 of 1857.

To the Honourable the Court of Directors of the East India Company.

Honourable Sirs,

IN our Despatch, No. 54, dated the 18th ultimo, your Honourable Court were informed that on the 13th idem, the Legislative Council, on the motion of the Governor-general, made with our full and unanimous concurrence, after anxious deliberation, passed without a dissentient voice an Act, No. XV. of 1857, whereby the liberty of the press of India is restricted for the period of one year from that date. The effect of this law will be to replace the Indian press during this year very much in the position in which it was permanently before Sir Charles Metcalfe's Government in 1835 passed Act No. XI. of that year, whereby complete liberty was given to it. Para. 9.

2. Act No. XI. of 1835 was passed in opposition to the strong opinions of many eminent Indian officers, at the head of whom may be placed Sir Thomas Munro, whose well known minute, dated the 12th of April 1822, contains what we believe to be the most weighty argument against the grant, in India, of the same absolute freedom of the press, which is one of the principal means of good administration in a free State, consisting of homogeneous elements, under a popular government. That Act was disapproved by the Home Government, as being founded upon reasons which did not truly apply to a country in the peculiar

position of British India; and the Indian Government of the day was severely censured for having passed it, by your Honourable Court in your despatch dated the 1st February 1836. Your Honourable Court, although abstaining from the extreme measure of immediate annulment, directed that the Act should be reconsidered, in order to its repeal. Lord Auckland's Government, however, to whom those instructions were addressed, represented what they conceived to be the evils of a revocation of the liberty which had been granted, and thereupon the law was silently allowed by the Home Government to remain in force.

3. We think that upon the present occasion the arguments of Sir Thomas Munro, and of the Home Government of 1836, contain matter worthy of consideration, although we do not wholly go along with them. But we desire your Honourable Court to understand that it is not because of any concurrence in the opinions of which Sir Thomas Munro may be considered as the representative, or in those by which the Home Government of 1836 was actuated, that we thought it our duty to ask the Legislative Council to pass the temporary Act now alluded to. In taking this step, we acted in complete accordance with the opinions of every member of Sir Charles Metcalfe's Government, which passed, and of Lord Auckland's Government, which supported, the Act for the freedom of the press, which has now been temporarily suspended. If the suspension of that law be objected to, we claim no more than to be judged by the principles laid down at the time by the members of the Indian Government who passed and supported it.

4. In laying upon the council table the draft of the law in question, Mr. Macaulay, who prepared it, recorded a minute containing the following passage: "One argument only has been urged in defence of the present system. It is admitted that the press of Bengal has long been suffered to enjoy practical liberty, and that nothing but an extreme emergency could justify the Government in curtailing that liberty; but, it is said, such an emergency may arise, and the Government ought to retain in its hands the power of adopting, in that event, the sharp, prompt, and decisive measures which may be necessary for the preservation of the empire. But when we consider with what vast powers, extending over all classes of people, Parliament has armed the Governor-general in Council, and, in extreme cases, the Governor-general alone, we shall probably be inclined to allow little weight to this argument. It seems to be acknowledged that licences to print ought not to be refused or withdrawn, except under very peculiar circumstances. And if peculiar circumstances should arise, there will be not the smallest difficulty in providing measures adapted to the exigency. No government in the world is better provided with the means of meeting extraordinary dangers by extraordinary precautions. Five persons, who may be brought together in half an hour, whose deliberations are secret, who are not shackled by any of those forms which elsewhere delay legislative measures, can in a single sitting make a law for stopping every press in India. Possessing, as we do, the unquestionable power to interfere whenever the safety of the State may require it, with overwhelming rapidity and energy, we surely ought not, in quiet times, to be constantly keeping the offensive form and ceremonial of despotism before the eyes of those whom nevertheless we permit to enjoy the substance of freedom. It is acknowledged that in reality liberty is, and ought to be, the general rule, and restraint the rare and temporary exception. Why then should not the form correspond with the reality? Why should our laws be so framed as to make it appear that the ordinary practice is in the highest degree oppressive, and that freedom can be enjoyed only by occasional connivance?" *

* Minute of 16 April 1835.

5. Sir Charles Metcalfe, then Governor-general, by whom the measure had been proposed to the Council, recorded a minute in which he expressed his entire agreement with Mr. Macaulay's reasoning. In this minute he said, "I do not apprehend danger to the State from a free press, but if danger to the State should arise, the Legislative Council has the power to apply a remedy."†

† Minute of 17 April 1835.

6. Mr. Prinsep recorded a minute of a still more guarded character. He said, "The Governor-general has summed up so very clearly the arguments for repealing the existing laws for licensing and restraining the press, that I have only to subscribe my entire concurrence in them. But I do not go quite so far as to say broadly, and without reserve, that I do not apprehend danger to the State

State from the press of India being free. I see no immediate danger in the present state of things, nor is the future danger such as the existing laws would provide for better than laws made specially for the purpose when the danger threatens. Therefore, I cordially assent to the repeal of the laws; but I think the eye of the Government will require to be kept continually upon the press, and especially upon the native press, for it is capable of being made an engine for destroying the respect in which the Government is held, and so of undermining its power." Again, Mr. Prinsep said, "If there were doubts whether upon the repeal of these laws the Government could obtain the registration of newspapers when the occasion for interfering might arise, I should be the last to consent to any abandonment of what had been gained. But none of these forms are necessary now, for, as is forcibly put by Mr. Macaulay, the Legislative Council has but to decide, and a law suitable to any emergency can be produced in a day;" and finally he said, that he assented without scruple to the repeal of the then existing press laws, "leaving future measures, so far as concerns the security and protection of the Government against the press, to be determined hereafter as circumstances may arise to call for legislative or other interference."*

* Minute of 17 April 1835.

7. Mr. Ross recorded his agreement in the reasons stated by Mr. Macaulay and the Governor-general, although he did not participate in certain apprehensions felt by Mr. Prinsep.†

† Minute, no date.

8. Colonel Morison went further than his colleagues, in insisting upon the necessity of retaining the power of controlling the press, upon an emergency. He would have retained that power in the hands, not only of the Legislature, but also of the several local governments; he said, "I could wish, however, that the proposed draft should provide some means of applying a speedier remedy to the abuse of the press, in any emergency when the Governor-general might be absent from his Council, or when there might be an urgent necessity for the government of any of the Presidencies, to act without the delay of a reference to the Governor-general of India in Council." Alluding to the minute of Sir Thomas Munro above cited, Colonel Morison remarked that he was deeply impressed with the wisdom and foresight of that eminent person, that he thought his opinions on this subject deserving of the gravest consideration. Colonel Morison wrote: "What he" (Sir Thomas Munro) "most apprehended, was the effect which would probably be gradually produced" (by a free press) "on the minds of the native army, and I confess I am not free from the same apprehension."‡

‡ Minute of 25 April 1835.

9. On Colonel Morison's suggestion, Sir Charles Metcalfe wrote as follows: "The power of providing for the safety of the State is inherent in the legislature and the government of every country. It is not probable that the safety of the State would be endangered so suddenly, by any operations of the press, as not to afford time to the Legislative Council to apply a remedy, but if such an extreme case of sudden and imminent danger can be conceived, what Government would hesitate to protect itself, until the Legislature of India could provide for the case?"

10. When the law, in consequence of the strong disapproval of the Home Government, came to be reconsidered, Lord Auckland recorded a minute, in which the following passage occurs: "The strong arm of authority might, before the passing of this Act, have been put forward to check any excess, and now, should the safety of the State ever demand such a course, in a single hour a law may be passed to stop or to control every press in India; nothing has been lost of useful power."§

§ Minute, dated 8 August 1836.

11. Sir Henry Fane, the commander-in-chief of that day, recorded his full concurrence in the opinion expressed by Lord Auckland in the paragraph from which the above quotation is made.

12. In the course of these discussions the opinion of Lord William Bentinck upon the question of the Indian press was alluded to with approval. That statesman, whose liberal sentiments are well known, in a minute upon this question, written when the licensing law was in force, on an occasion when he exercised the power of control given by that law, wrote as follows: "I retain my former opinion, that the liberty of the press is a most useful engine in promoting the good administration of the country, and, in some respects, supplies that lamentable

lamentable imperfection of control, which from local position, extensive territory, and other causes, the Supreme Council cannot adequately exercise. But I have always said and thought, that as well with the liberty of the press as of the subject, it is indispensable for the safety of the empire that the Governor-general in Council should have the power of suspending the one and of transmitting the other, whenever the safety of the State should call for the exercise of such authority."*

* Minute, 6 September 1830.

13. We apprehend that your Honourable Court will perceive, from the minutes above cited, that the possibility of a time of danger occurring when some measure giving the Government a power of extraordinary control over the press might become necessary for the safety of the State, was steadily kept in sight by the framers and supporters of Sir Charles Metcalfe's law, and that those gentlemen, even when arguing to the best of their power in favour of the liberty of the press in India, in the ordinary state of things, were careful to recognise, not only the right, but the bounden duty of the Government to suspend that liberty, on the occurrence of certain emergencies.

14. We cannot doubt that your Honourable Court will see in the present critical state of affairs, an emergency of the nature contemplated by the Governments of Sir Charles Metcalfe and Lord Auckland; and one, it may be confidently assumed, very much graver than was thought in 1835 to be within the range of probability.

15. Upon this point agreeing entirely with Lord William Bentinck and the members of those Governments, amongst whom were statesmen of great eminence, remarkable for the liberality of their general views, and others of long experience and high reputation in Indian affairs, believing that the unregulated freedom of the press, at the present crisis, was tending strongly to the extension of revolt and the weakening of the British power, and being confirmed in this belief by the opinions of officers of the highest character, engaged at the moment in distant provinces in supporting the British cause; we could not hesitate to ask for such a law as had been in a manner preconcerted, when the Indian press was freed, for extraordinary occasions such as has now too certainly arisen. We are well aware of the angry and unreasoning opposition which a restrictive measure of this sort will always call forth; but the safety of the country is the one great object we have to look to at present, and to this all other considerations must give way.

16. The conditions which we prescribed to the press, whilst this temporary Act is in force, are, we believe, as mild as is possible, consistently with the object in view.

17. We thought it right to attempt to make no distinction between the English and the native press. We agree with Sir Charles Metcalfe, who in the course of the discussion of the press question in 1835, wrote: "I think that in all our legislation we ought to be very careful not to make invidious distinctions between European and native subjects." We do not clearly see how any distinction of the sort could be really carried into effect, for there are now more than one newspaper in the English language written, owned, and published by natives, almost exclusively for circulation amongst native readers; and, although we have no fear that treasonable matter would be designedly published in any English newspaper, we have to guard in these times against errors, indiscretion, and temper, as well as against intentional sedition.

18. The quarter of a century which has passed since the Press Law of 1835 was enacted, has made a remarkable change in respect, not only of the number of native newspapers published, but also in the effect, direct and indirect, upon the natives, of matter published in the English papers, when the subject interests their passions; they make little or no distinction between sentiments affecting them, published by independent Englishmen in English papers, and the sentiments of the English Governors of their country. Where their fears are excited, or their feelings offended by such publications, the hatred thereby excited turns upon the English Government; and, even if it could be right at any time to disregard such results, it would be madness to do so at this moment.

19. The interest which matter published in English newspapers excites even in foreign native courts, is, perhaps, not so fully known in England as it is in India.

India. Our connexion with the Burmese Court is not of long standing, and the King of Ava would seem to be as far out of the way of the press as any potentate with whom we have any relations at all. Yet not many months ago a gentleman in our interest at Ava complained that he had been compromised by an article that had been published in a Calcutta newspaper; and it then appeared that his Burmese Majesty had the Calcutta papers regularly examined, and matter of interest therein contained regularly explained to him.

20. To show that the necessity of controlling the English as well as the native press is not merely imaginary, it will be enough to state that the treasonable proclamation of the King and mutineers of Delhi, cunningly framed, so as to inflame the Mahomedan population as much as possible against the British Government, and ending with the assurance that the multiplication and circulation of that document would be an act equal in religious merit to drawing the sword against us, was published in a respectable English newspaper of this town without comment. For doing the very same thing, with comments having the outward form of loyalty, the publishers of three native Mahomedan papers in Calcutta have been committed to the Supreme Court, to take their trial for a seditious libel.

21. In connexion with this subject, we have the honour to request the attention of your Honourable Court to the communications from the Madras Government noted in the margin, embracing minutes by Lord Harris and other members of the Madras Government, touching amongst other things upon the expediency of restricting the existing licence of the press in the Madras Presidency, both English and native.

No. 408, dated 26 May.
No. 486, dated 22 June.

22. Having taken this opportunity of explaining generally and at length the reasons for which we think the temporary licensing Act necessary, the objects which we had in view when the Act was passed, and the spirit in which we propose to carry it into execution, during the present critical state of affairs, we proceed to report two cases in which we have thought it our duty to act under the authority which this Act give us.

23. The first of these is the case of the "Friend of India" newspaper. This paper, after the conditions imposed upon the press had been promulgated, and a licence subject to those conditions had been granted to it, published an article which, in our opinion, infringed every one of those conditions. The position of affairs at the time was most anxious. The Bengal Native Army was in mutiny; the North Western Provinces were for the moment lost; the King of Delhi and our treacherous Sepoys were proclaiming a new empire; small bodies of gallant Englishmen were holding out for Government in isolated stations against fearful odds; the revolt was still extending, and the hearts of all Englishmen in India were daily torn by accounts of the massacre of their brethren, and the massacre, and worse than massacre, of their women and children. Of this disastrous and extraordinary revolt, the only one of the causes that is quite certain is, what appears to us almost an insane, but what is not the less a rooted and universal persuasion in the minds of the Sepoys and the people of the North Western Provinces, that it is the fixed design of the British Government to interfere by force with the religious liberty of the people. In this position of affairs it appeared to us that we should fail in our duty if we permitted a newspaper to inflame men's minds against the British Government; to excite suspicion and unfriendly feelings in the minds of native chiefs in relations with us, and above all, to intensify the prevalent and fatal delusion as to designs on the part of the British Government to destroy caste, and to convert the natives of India by force and fraud. We therefore warned the publisher of this paper, that a repetition of such breach of the conditions would be followed by the revocation of his licence. Instead of profiting by this warning, the next issue of the paper contained an article repeating, but in offensive and defiant terms, the substance of the article originally objected to. We were on the point of recalling the licence of this newspaper, when we received from the friends of the proprietor an assurance, in which we placed reliance, that arrangements had been completed, under which, in future, the paper would be conducted in conformity with the prescribed conditions. As our object is to obtain the necessary security with the least possible injury to private interests, we have, on this assurance, abstained from the withdrawal of the licence.

24. We have revoked the licence granted to the proprietor of a lithographic press in Calcutta, and directed the seizure of all the printing materials, &c., belonging to it. Our reason for taking this step is, that in the "Gulshun i Nau Behar," a Persian newspaper published at the press in question, there appeared on the 21st ultimo two articles of a grossly seditious character, obviously designed to excite disaffection towards the Government, and to encourage resistance to its authority. A translation of these articles will be found in the collection.

We have,
(signed) *Canning.*
J. A. Dorin.
J. Low.
J. P. Grant.
B. Peacock.

Fort William, 4th July 1857.

ACT No. XV. of 1857.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the Assent of the Governor-General on the 13th June 1857.)

AN ACT to regulate the Establishment of Printing Presses, and to restrain in certain cases the Circulation of Printed Books and Papers.

Preamble.

WHEREAS it is expedient to prohibit the keeping or using of printing presses, types, or other materials for printing, in any part of the territories in the possession and under the government of the East India Company, except with the previous sanction and licence of Government, and under suitable provisions to guard against abuse; and whereas it may be deemed proper to prohibit the circulation within the said territories of newspapers, books, or other printed papers of a particular description: It is enacted as follows:

No printing press to be kept or used without the licence of Government.

I. No person shall keep or use any printing press or types, or other materials or articles for printing, without having obtained the previous sanction and licence for that purpose of the Governor-general of India in Council, or of the Executive Government of the Presidency in which such printing press, types, or other materials or articles for printing are intended to be kept or used, or of such other person or persons as the Governor-general of India in Council may authorise to grant such sanction or licence; and any person who shall keep or use any printing press, or types, or other materials or articles for printing, without having obtained such licence, shall be liable, on conviction before a magistrate, to a fine not exceeding 5,000 rupees, or to imprisonment not exceeding two years, or to both.

Power to search for and seize unlicensed printing presses, &c.

II. If any person shall keep or use any printing press or types, or other materials or articles for printing, without such sanction or licence as aforesaid, any magistrate, within whose jurisdiction the same may be found, may seize the same, or cause them to be seized, together with any books or printed papers found on the premises, and shall dispose of the same as the Governor-general of India in Council, or the Executive Government of any Presidency, or such other person as the Governor-general in Council shall authorise in that behalf, may direct; and it shall be lawful for any magistrate to issue a search-warrant for the entry and search of any house, building, or other place, in which he may have reason to believe that any such unlicensed printing press, types, or other materials or articles for printing are kept or used.

Application for licence to keep printing press.

III. Whenever any person or persons shall be desirous of keeping or using any printing press or types, or other materials or articles for printing, he or they shall apply by writing to the magistrate within whose jurisdiction he proposes to keep or use such printing press or other such materials or articles as aforesaid, or to such other person as the Governor-general in Council, or the Executive Government of the Presidency, or such other person as the Governor-general in Council shall authorise in that behalf, may appoint for that purpose. The application shall specify the name, profession, and place of abode of the proprietor or proprietors of such printing press, types, or other materials or articles for printing, and of the person or persons who is or are intended to use the same, and the place where

where such printing press, types, or other materials or articles for printing are intended to be used; and such application shall be verified by the oath, affirmation, or solemn declaration of the proprietors and persons intending to keep or use such printing press, types, or other materials or articles for printing, or such of them as the magistrate or other person to whom the application shall be made shall direct; and any person wilfully making a false oath, affirmation, or declaration shall be deemed guilty of perjury.

Government may grant licence subject to conditions, and may revoke the same.

IV. The magistrate shall forward a copy of such application to the Governor-general in Council, or to the Executive Government of the Presidency, or to such other person as may be authorised to grant the licence; and the said Governor-general in Council, or such Executive Government, or other person as aforesaid, may at his or their discretion grant such licence, subject to such conditions (if any) as he or they may think fit, and may also at any time revoke the same.

Penalty for using press contrary to conditions or after revocation of licence.

V. If any person or persons shall keep or use, or cause or allow to be kept or used, any such printing press, types, or other materials or articles for printing, contrary to the conditions upon which the licence may have been granted, or after notice of the revocation of such licence shall have been given to or left for him or them at the place at which the printing press shall have been established, he or they shall be subject to the same penalties as if no such licence had been granted; and such printing press, types, and other materials or articles for printing may be seized and disposed of in the manner prescribed in section II. of this Act.

Books, &c. to have the printer's and publisher's name printed on them, and copies to be forwarded to the magistrate.

VI. All books and other papers, printed at a press licensed under this Act, shall have printed legibly on them the name of the printer and of the publisher, and the place of the printing and publication thereof; and a copy of every such book or printed paper shall be immediately forwarded to the magistrate or to such other person as the Government or other person granting the licence may direct; and every person who shall print or publish any book or paper otherwise than in conformity with this provision, or who shall neglect to forward a copy of such book or paper in manner hereinbefore directed, unless specially exempted therefrom by the Governor-general in Council or other person granting the licence, shall be liable, on conviction before a magistrate, to a fine not exceeding 1,000 rupees, and in default of payment to imprisonment for a term not exceeding six calendar months.

Government may prohibit circulation of particular books or newspapers.

VII. The Governor-general of India in Council, or the Executive Government of any Presidency, may, by order, to be published in the Government Gazette, prohibit the publication or circulation within the said territories, or the territories subject to the said Government, or within any particular part of the said territories, of any particular newspaper, book, or other printed paper, or any newspaper, book, or printed paper of any particular description, whether printed within the said territories or not; and whoever, after such prohibition, shall knowingly import, publish, or circulate, or cause to be imported, published, or circulated, any such book or paper, shall be liable for every such offence, on conviction before a magistrate, to a fine not exceeding 5,000 rupees, or to imprisonment not exceeding two years, or to both; and every such book or paper shall be seized and forfeited.

Interpretation.

VIII. The word "printing" shall include lithographing. The word "magistrate" shall include a person exercising the powers of a magistrate, and also a justice of the peace; and every person hereby made punishable by a justice of the peace may be punished upon summary conviction.

Act not to exempt compliance with Act XI. of 1835.

IX. Nothing in this Act shall exempt any person from complying with the provisions of Act XI. of 1835.

Within 14 days after the passing of the Act no person shall be prosecuted without a Government order.

X. No person shall be prosecuted for any offence against the provisions of this Act, within 14 days after the passing of the Act, without an order of the Governor-general in Council or the Executive Government of the Presidency in which the offence shall be committed, or the person authorised under the provisions of this Act to grant licences.

Duration of Act.

XI. This Act shall continue in force for one year.

APPENDIX.

Appendix (A.)

MINUTE by the Honourable the Governor Sir *Thomas Munro* (referred to in the Letter of the Governor-General, dated 4 July 1857).

Fort St. George, Secret Cons., 12 April 1822. No. 2.

A GREAT deal has of late been said both in this country and in England regarding the liberty of the Indian press, and although nothing has occurred to bring the question regularly before the Board, yet as I think it one on which, according to the decision which may be given, the preservation of our dominion in India may depend, and as it appears to me desirable that the Honourable the Court of Directors should be in possession of the sentiments of this Government at as early a period as possible, I deem it my duty to call the attention of the Board to the subject.

2. I cannot view the question of a free press in this country without feeling that the tenure by which we hold our power never has been and never can be the liberties of the people. I therefore consider it as essential to the tranquillity of the country and the maintenance of our government, that all the present restrictions should be continued. Were the people all our own countrymen I would prefer the utmost freedom of the press; but, as they are, nothing could be more dangerous than such freedom. In place of spreading useful knowledge among the people and tending to their better government, it would generate insubordination, insurrection, and anarchy.

3. Those who speak of the press being free in this country have looked at only one part of the subject. They have looked no further than to Englishmen, and to the press as a monopoly in their hands for the amusement or benefit of their countrymen. They have not looked to its freedom among the natives to be by them employed for whatever they also may consider to be for their own benefit and that of their countrymen.

4. A free press and the dominion of strangers are things which are quite incompatible and which cannot long exist together: for what is the first duty of a free press? it is to deliver the country from a foreign yoke, and to sacrifice to this one great object every meaner consideration; and if we make the press really free to the natives as well as to Europeans, it must inevitably lead to this result. We might wish that the press should be used to convey moral and religious instructions to the natives, and that its effects should go no further. They might be satisfied with this for a time, but would soon learn to apply it to political purposes, to compare their own situation and ours, and to overthrow our power.

5. The advocates of a free press seek, they say, the improvement of our system of Indian government and of the minds and the condition of the natives, but these desirable ends are, I am convinced, quite unattainable by the means they propose. There are two important points which should always be kept in view in our administration of affairs here. The first is, that our sovereignty should be prolonged to the remotest possible period. The second is, that whenever we are obliged to resign it, we should leave the natives so far improved from their connexion with us as to be capable of maintaining a free or at least a regular government among themselves. If these objects can ever be accomplished it can only be under a restricted press; a free one, so far from facilitating, would render their attainment utterly impracticable, for by attempting to precipitate improvement, it would frustrate all the benefits which might have been derived from more cautious and temperate proceedings.

6. In the present state of India the good to be expected from a free press is trifling and uncertain, but the mischief is incalculable, and as to the proprietors of newspapers it is the more profitable of the two, it will generally have the preference. There is no public in India to be guided or instructed by a free press; the whole of the European society is composed of civil and military officers belonging to the King's and the Honourable Company's service, with a small proportion of merchants and shopkeepers. There are but few among them who have not access to the newspapers and periodical publications of Europe, or who require the aid of political information from an Indian newspaper.

7. The restraint on the press is very limited; it extends only to attacks on the character of Government and its officers and on the religion of the natives. On all other points it is free. The removal of these restrictions could be of advantage to none but the proprietors of newspapers. It is their business to sell their papers, and they must fill them with such articles as are most likely to answer this purpose. Nothing in a newspaper excites so much interest as strictures on the conduct of government or its officers; but this is more peculiarly the case in India, where, from the smallness of the European society, almost all the individuals composing it are known to each other, and almost every European may be said to be a public officer. The newspaper which censures most freely public men and measures, and which is most personal in its attacks, will have the greatest sale.

8. The

8. The law, it may be supposed, would be able to correct any violent abuse of the liberty of the press, but this would not be the case. The petty jury are shopkeepers and mechanics, a class not holding in this country the same station as in England; a class by themselves, not mixing with the merchants or the civil and military servants, insignificant in number, and having no weight in the community. They will never, however differently the judge may think, find a libel in a newspaper against a public officer. Even if the jury could act without bias, the agitation arising from such trials in a small society would far outweigh any advantage they could produce. The editors of newspapers therefore, if only restrained by the law of libel, might fearlessly calumniate the character of public officers and misrepresent and stigmatise the conduct of Government. They would be urged by the powerful incentive of self-interest to follow this course, and they would be the only part of the European population which could derive any advantage from a free press.

9. Every military officer who was dissatisfied with his immediate superior, with the Commander-in-Chief, or with the decision of a court martial, would traduce them in a newspaper. Every civil servant who thought his services were neglected or not sufficiently acknowledged by the head of the department in which he was employed, or by Government, would libel them. Every attempt to restrain them by recourse to a jury would end in defeat, ridicule, and disgrace, and all proper respect for the authority of Government would be gradually destroyed. The evil of the decline of authority would be sufficiently great even if it went no further than the European community, but it will not stop there; it will extend to the natives, and whenever this happens the question will not be whether or not a few proprietors of the newspapers are to be enriched and the European community to be amused by the liberty of the press, but whether our dominion in India is to stand or fall. We cannot have a monopoly of the freedom of the press; we cannot confine it to Europeans only. There is no device or contrivance by which this can be done; and if it be made really free, it must in time produce nearly the same consequences here which it does everywhere else. It must spread among the people the principles of liberty and stimulate them to expel the strangers who rule over them, and to establish a national government.

10. Were we sure that the press would act only through the medium of the people after the great body of them should have imbibed the spirit of freedom, the danger would be seen at a distance, and there would be ample time to guard against it; but from our peculiar situation in this country this is not what would take place, for the danger would come upon us from our native army not from the people. In countries not under a foreign government the spirit of freedom usually grows up with the gradual progress of early education and knowledge among the body of the people. This is its natural origin, and were it to arise in this way, in this country, while under our rule, its course would be quiet and uniform; unattended by any sudden commotion; and the change in the character and opinions of the people might be met by suitable changes in the form of our government. But we cannot, with any reason, expect this silent and tranquil revolution; for owing to the unnatural state in which India will be placed under a foreign government with a free press and a native army, the spirit of independence will spring up in this army long before it is ever thought of among the people. The army will not wait for the slow operation of the instruction of the people and the growth of liberty among them, but will hasten to execute their own measures for the overthrow of the government and the recovery of their national independence, which they will soon learn from the press it is their duty to accomplish.

11. The high opinion entertained of us by the natives and the deference and respect for authority which have hitherto prevailed among ourselves have been the main causes of our success in this country; but when these principles shall be shaken or swept away by a free press, encouraged by our juries to become a licentious one, the change will soon reach and pervade the whole native army. The native troops are the only body of natives who are always mixed with Europeans, and they will therefore be the first to learn the doctrines circulated among them by the newspapers; for as these doctrines will become the frequent subject of discussion among the European officers, it will not be long before they are known to the native officers and troops. These men will probably not trouble themselves much about distinctions regarding the rights of the people and forms of government; but they will learn from what they hear to consider what immediately concerns themselves, and for which they require but little prompting. They will learn to compare their own low allowances and humble rank with those of their European officers, to examine the ground on which the wide difference rests, to estimate their own strength and resources, and to believe that it is their duty to shake off a foreign yoke and to secure for themselves the honours and emoluments which their country yields. If the press be free they must inevitably learn all this and much more. Their assemblage in garrisons and cantonments will render it easy for them to consult together regarding their plans. They will have no great difficulty in finding leaders qualified to direct them. Their patience, their habits of discipline, and their experience in war, will hold out the fairest prospect of success. They will be stimulated by the love of power and independence, and by ambition and avarice, to carry their designs into execution. The attempt would no doubt be dangerous, but where the contest was for so rich a stake they would not be deterred by the danger; they might fail in their first attempts, but even these failures would not, as under a national government, confirm our power, but shake it to its foundation. The military insubordination which is occasioned by some partial or temporary cause may be removed, but that which arises from a

change in the character of the troops, urging them to systematic opposition, cannot be subdued. We should never again recover our present ascendancy, all confidence in them would be destroyed; but they would persevere in their designs until they were finally successful, and after a sanguinary civil war, or rather, after passing through a series of insurrections and massacres, we should be compelled to abandon the country.

12. We might endeavour to secure ourselves by augmenting our European establishment. This might, at a great additional expense, avert the evil for a time, but no increase of Europeans could long protract the existence of our dominion. In such a contest we are not to expect any aid from the people. The native army would be joined by all that numerous and active class of men formerly belonging to the Revenue and Police Departments who are now unemployed, and by many now in office who look for higher situations; and by means of these men they would easily render themselves masters of the open country and of its revenue. The great mass of the people would remain quiet. The merchants and shopkeepers, from having found facilities given to trade which they never before experienced, might wish us success, but they would do no more. The heads of villages, who have at their disposal the most warlike part of the inhabitants, would be more likely to join their countrymen than to support our cause. They have, it is true, when under their native rulers, often shown a strong desire to be transferred to our dominion, but this feeling arose from temporary causes; the immediate pressure of a weak and rapacious government, and the hope of bettering themselves by a change. But they have now tried our Government, and found that, though they are protected in their persons and property, they have lost many of the emoluments which they derived from a lax revenue system under their native chiefs, and have also lost much of their former authority and consideration among the inhabitants by the establishment of our judicial courts and European magistrates and collectors. The hope of recovering their former rank and influence would therefore render a great part of them well-disposed to favour any plan for our overthrow. We delude ourselves if we believe that gratitude for the protection they have received, or attachment to our mild Government, would induce any considerable body of the people to side with us in a struggle with the native army.

13. I do not apprehend any immediate danger from the press. It would require many years before it could produce much effect on our native army; but though the danger be distant, it is not the less certain, and will inevitably overtake us if the press become free. The liberty of the press and a foreign yoke are, as already stated, quite incompatible; we cannot leave it free with any regard to our own safety; we cannot restrain it by trial by a jury, because from the nature of juries in this country public officers can never be tried by their peers. No jury will ever give a verdict against the publisher of any libel upon them, however gross it may be. The press must be restrained either by a censor or by the power of sending home at once the publisher of any libellous or inflammatory paper at the responsibility of Government, without the Supreme Court having authority, on any plea whatever, to detain him for a single day.

14. Such restrictions as those proposed will not hinder the progress of knowledge among the natives, but rather ensure it by leaving it to follow its natural course, and protecting it against military violence and anarchy. Its natural course is not the circulation of newspapers and pamphlets among the natives immediately connected with Europeans, but education gradually spreading among the body of the people, and diffusing moral and religious instruction through every class of the community. The desire of independence and of governing themselves, which in every country follows the progress of knowledge, ought to spring up and become general among the people before it reaches the army. And there can be no doubt that it will become general in India if we do not prevent it by ill-judged precipitation in seeking to effect in a few years changes which must be the work of generations. By mild and equitable government; by promoting the dissemination of useful books among the natives without attacking their religion; by protecting their own numerous schools; by encouraging by honorary or pecuniary marks of distinction those where the best system of education prevails; by occasional allowances from the public revenue to such as stand in need of this aid; and, above all, by making it worth the while of the natives to cultivate their minds by giving them a greater share in the civil administration of the country, and holding out the prospect of filling places of rank and emoluments as inducements to the attainment of knowledge, we shall by degrees banish superstition, and introduce among the natives of India all the enlightened opinions and doctrines which prevail in our own country.

15. If we take a contrary course—if we, for the sole benefit of a few European editors of newspapers, permit a licentious press to undermine among the natives all respect for the European character and authority, we shall scatter the seeds of discontent among our native troops, and never be secure from insurrection. It is not necessary for this purpose that they should be more intelligent than they are at present, or should have acquired any knowledge of the rights of men or nations; all that is necessary is, that they should have lost their present high respect for their officers and the European character; and whenever this happens they will rise against us, not for the sake of asserting the liberty of their country, but of obtaining power and plunder.

16. We are trying an experiment never yet tried in the world—maintaining a foreign dominion by means of a native army, and teaching that army, through a free press, that they

they ought to expel us, and deliver their country. As far as Europeans only, whether in or out of the service, are concerned, the freedom or restriction of the press could do little good or harm, and would hardly deserve any serious attention. It is only as regards the natives that the press can be viewed with apprehension; and it is only when it comes to agitate our native army that its terrible effects will be felt. Many people, both in this country and in England, will probably go on admiring the efforts of the Indian press, and fondly anticipating the rapid extension of knowledge among the natives, while a tremendous revolution, originating in this very press, is preparing, which will, by the premature and violent overthrow of our power, disappoint all these hopes, and throw India back into a state more hopeless of improvement than when we first found her.

17. His Excellency the Commander-in-Chief has brought to the notice of the Board an anonymous letter, in the Hindostani language, thrown into the lines of the cavalry cantonment at Arcot, on the night of the 12th March, urging the troops to murder their European officers, and promising them double pay. This letter was brought in the morning by the subahdar-major of the 6th regiment of native cavalry to Lieutenant-colonel Foulis, the senior officer present in the cantonment. I received a Hindostani letter by the post some weeks ago, addressed to myself, complaining of the condition of the native army, their depressed situation and low allowances, and exhorting me to do something for their relief. Such letters have been occasionally circulated since our first conquests from Mysore in 1792; I do not notice them now from any belief that they are likely at present to shake the fidelity of our Sepoys, but in order to show the motives by which they will probably be instigated to sedition, whenever their character shall be changed. But, though I consider the danger as still very distant, I think that we cannot be too early in taking measures to avert it, and I trust that the Honourable the Court of Directors will view the question of the press in India as one of the most important that ever came before them, and the establishment of such an engine, unless under the most absolute control of their Governments, as dangerous in the highest degree to the existence of the British power in this country.

(signed) *Thomas Munro.*

Note.—This document has already been laid before Parliament; it is printed in the Proceedings of the "Select Committee on Calcutta Journals," in 1834, pages 121 to 124.

Appendix (B.)

EXTRACT MINUTE by the Right Honourable the President (Lord Harris), dated 2d May 1857 (referred to in the Letter from the Governor-General, dated the 4th July 1857).

I HAVE now been three years in India, and during that period I have made a point of keeping myself acquainted with the tenor of the larger portion of the British press throughout the country, and I have no hesitation in asserting my impression to be, that it is, more particularly in this Presidency, disloyal in tone, un-English in spirit, and wanting in principle, seeking every opportunity, whether rightly or wrongly, of holding up the Government to opprobrium, not so scurrilous certainly as portions of the press in the colonies, but utterly regardless of correctness in statement. Fort St. George, Pol. Cons., 26 May 1857.

With such an influence disseminating itself throughout the country, uncontrolled and uncontradicted, what must be the consequence?

The greater number of men, even in highly civilised countries, are not very clear in the discrimination of the truth and falsehood of statements which come before them, and, if this be so, what must be the case in a country where there is still less of that power?

I do not see how it is possible for the natives, in the towns more especially, with the accusations, misrepresentations, and calumnies which are constantly brought before them, to come to any other conclusion than that the Government of their country is carried on by imbecile and dishonest men.

And I believe I may add, that the effect thus produced is not limited to the natives, but that it has spread itself also amongst our own countrymen.

I am aware that it may be contended that the influence of the press is not great; that no one minds what it says; and lastly, that things go on very well in England, though the same attacks are made there.

I am not prepared to allow the truth of the two first propositions above mentioned, and I would point out as to the third, that the case of India is totally dissimilar.

In England, however strong may be the attacks on the Government or on individuals, there is still that homogeneity of race which prevents any dangerous results to the common weal; moreover, every man is certain, whether on public or private matters, of having an opportunity

opportunity of bringing his case before the public, either by means of rival newspapers or in Parliament; there is, therefore, the certainty of removing, in a short time, an unfavourable impression, if produced by an unfair or untrue statement.

But in India just the contrary is the case; week after week, month after month, year after year, are these attacks on the Government and on its servants disseminated almost unnoticed and uncontradicted.

What must be the conclusion which will be impressed on weak and ignorant minds?

Inevitably that no defence can be made. It may be right to look with indifference on opinions which are so crudely imbibed, but I do not coincide with that opinion.

All men are endued with some degree of the sense of right and wrong, and it is well worth while to lead their feelings in a right direction.

It will be asked, what is the remedy for this state of things? is a censorship of the press to be introduced? if so, would it achieve the desired object?

I believe not; and at all events it would be impolitic to recede from the freedom which has been granted, in order to cure the licence which has emanated from it.

A disease of this nature should be kept under command, not by repression but by the application of a cure on sound principles. The liberty of the press is a most important and vital principle in the best interests of humanity, and cannot on any account be interfered with, but that freedom has been won and granted for the purpose of eliciting truth, not for disseminating falsehood.

The propagator of untruth or of misrepresentation should be made responsible for his statements, the burden of proof should be thrown upon him, either as proprietor or editor, and on failure the act should be penal in an ordinary court.

The reputation of a government or of its officers, or of any individual, should not be valued at a money rate, or left to the fickle and timorous decision of juries.

The freedom of the subject demands that there should be some change in the law on this point, by which relief may be given to those liable to attack.

It must be evident to all candid minds that there is a tyranny now extant, under the specious form of the liberty of the press, to which numbers are slaves, and against which they dare not strike a blow.

Relief from such a tyranny is, I know, desired, but it is thought hopeless to attempt to obtain it.

There has been much said and written about torture of the body in these days, and every attempt has been made to stop it; but there is another description of torture much more painful to an honourable mind, that of traducing the reputation, which equally deserves consideration, which equally calls for interference, and which now can be practised by any man who will descend to defamation, while skulking under the shield of the editorial We; or to misrepresentation, while hiding himself behind some taken *nomme de guerre.*

The bully of society in former days, I mean the duellist, offensive as he was and frequently unfair, still had the merit of boldness and risked his own life whilst he took the lives of others; but these bullies of the present day are sheltered, under present circumstances, from all risk.

The first maxim enjoined by our divine religion is that of charity, and it is confirmed by the sanction of every sound system of morals; but can this be said to be supported by our laws when the practice of the unlimited publication of misrepresentation and detraction is permitted with impunity?

I am aware that I am expressing opinions at variance with those generally avowed in the present day, but I am bold to do so in the conviction that they are founded on eternal truth, and that they will prevail; and that a contrary system, however plausible in theory, will induce unfavourable results, such as, I believe, are now partially manifesting themselves in this country.

The honour of a government should be maintained with the greatest strictness, and when attacked should be defended, and every real misrepresentation should be dogged to its source and branded publicly with falsehood.

Appendix (C).

EXTRACT MINUTE by the Right Honourable the Governor (Lord Harris), dated the 20th June 1857. (Referred to in the Letter from the Governor-General, dated 4th July 1857.)

IN support of the statements which I have lately made respecting the tone of the press and its effect on the army, I now circulate two copies of the "Examiner" newspaper of the 18th instant, one to be sent to the Honourable Court, and one to the Government of India, which contains an article full of seditious matter, and addressed in the most open manner to the soldiery. Fort St. George, Pol. Cons., 22 June 1857.

I at once referred this, in order to save time, for a legal opinion, and the answer was as I anticipated, that though the article was highly seditious, yet that the risks were so great, or rather, that the chances of success in the courts were so small, that it would be better to allow such poison to be disseminated than to offer an opportunity whereby Government might suffer a defeat.

So that the preaching of sedition and of, in fact, rebellion, must be allowed to run in its full course.

I have already stated that this newspaper is the mouth-piece of the Roman-catholic priests, and is probably mainly supported by the money paid to them by Government.

It is circulated at so cheap a rate that it cannot be remunerative; and lately, since enlarged allowances have been granted to the Bishop, it has been issued on three days in the week instead of, as previously, on two.

I am informed also, that arrangements have been made by which these seditious articles are immediately translated into the native languages, and that the circulation of them is rapidly increasing.

And amongst whom do these papers circulate first? undoubtedly amongst the Sepoys.

Sir Thomas Munro, in his Minute of the 12th April 1822, to every word of which most remarkable and prophetic document I would at the present time call especial attention, writes, "The native troops are the only body of natives who are always mixed with Europeans, and they will therefore be the first to learn the doctrines circulated among them by the newspapers;" and this no doubt is the case, and the results we are, I believe, now witnessing.

(True copies.)

East India House,
August 1857.

(signed) *J. S. Mill*,
Examiner of India Correspondence.

EAST INDIA (LIBERTY OF THE PRESS).

COPY of a DESPATCH from the Governor-General of *India*, stating his Reasons for making the Act, No. 15, 1857, for the Restriction of the LIBERTY of the PRESS, applicable to the European portion of the Population as well as to the Native; also a Copy of the Act, No. 15, 1857, &c.

(*Mr. Disraeli.*)

Ordered, by The House of Commons, *to be Printed*,
28 *August* 1857.

342—Sess. 2.

Under 2 *oz.*

EAST INDIA (MADRAS PRESIDENCY, &c.)

RETURN to an Order of the Honourable The House of Commons, dated 22 May 1857;—*for*,

COPY "of Two MINUTES recorded by the Governor of *Madras*, dated respectively the 26th day of October 1854 and the 12th day of May 1855; and of Two LETTERS addressed by the Court of Directors of the East India Company to the Government of *Madras*, dated respectively the 2d day of July and the 17th day of December 1856, as to the REVISED SURVEY and ASSESSMENT of the MADRAS PRESIDENCY, and the GODAVERY and KISTNA ANNICUTS."

East India House, May 1857.

JAMES C. MELVILL.

LIST.

Minute by the Right Honourable Lord Harris, dated 26 October 1854 - - - p. 1
Minute by - - - ditto - - - ditto, dated 12 May 1855 - - - - - - p. 13
Letter from Court of Directors to Government of Fort St. George, dated 17 December (No. 17) 1856 - - - - - - - - - - - - - - p. 14
Letter from ditto to ditto, dated 2 July (No. 8) 1856 - - - - - - - p. 21

East India House, May 1857.

J. S. Mill, Examiner of India Correspondence.

MINUTE of the Right Honourable Lord *Harris*, on the proposed General Survey and Assessment, dated 26th October 1854.

Minute by Right Hon. Lord Harris, 26 Oct. 1854.

1. THE documents now in circulation on the general survey and assessment of this Presidency show that the subject has been for some time under contemplation.

2. The necessity for commencing proceedings on the point above mentioned appears to have been considered unquestionable; but though this admission has not been gainsaid, yet no action has as yet been instituted thereon.

3. It is generally asserted (and I see no reason to doubt it) that the measurements of the area are generally incorrect, and that in some parts of the country none have been taken on which reliance can be placed.

4. The assessment would appear to have been fixed with no greater accuracy, and has in some districts been placed so high as to prevent the cultivation of the soil.

5. Much has been published of late respecting the unsatisfactory state of this Presidency, of the poverty of the inhabitants, and of the hopeless position in which they are placed, of the exorbitant taxation, and all this misery has been stated to be the result of British misgovernment.

6. I have serious doubts of the correctness of these assertions.

That the majority of the cultivators of the soil are poor, is certainly true; but that is almost certain to be the case where the soil is divided into innumerable small holdings, each insufficient to provide for the most ordinary wants of a family of the lowest class.

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That the position of the ryots is not very hopeful, may be attributed to many circumstances; but I am inclined to think that their depressed condition is as much the result of moral as of economic causes.

That the taxation which they have to pay is excessive, may in some instances be the case; but I cannot allow that the amount of public funds contributed by the Presidency is exorbitant; neither am I prepared to admit that the state of the country generally is deteriorating.

7. I believe, on the contrary, from all I can learn, that there is a marked improvement in many districts; though probably not to the extent which might have been attained, had circumstances permitted more active measures for improvements on an extensive scale to have been undertaken by the Government.

That the general state of the country has not become less prosperous is sufficiently shown by this one fact, that though remission of taxation has been made to some extent within the last few years, the general income has not diminished.

8. That the incidence of taxation has been unequally adjusted, there is great reason to suppose; and it is mainly to correct this evil that a new survey and assessment is called for.

9. The subject is one of vast importance to the present and to the future welfare of this Presidency, and too much consideration cannot be given to the principles which shall eventually be laid down for directing the method in which it shall be conducted.

10. For the sake of convenience I propose to take the order adopted by my honourable colleague, Mr. Thomas, in his Minute, as my guide.

11. Mr. Thomas (Mr. T.'s Minute, paras. 1 and 2), after referring to the various documents (North West Provinces Reports, Bombay Reports) of great value and merit, which have either been printed or written on this subject, states that he considers the question now before the Government (paras. 3 and 4) to be limited to a pure revenue survey.

The objects of such a survey (para. 5) being two—first, a correct measurement of the superficial area; secondly, a fair and just assessment on each description of land, this latter object being attained by a classification of the different fields of each village or section of a country founded upon consideration of the natural fertility of the soil, of the advantages or otherwise which accrue from climate, proximity to the villages or to the markets, and other circumstances which give greater value to land.

12. I would here mention a point which I think worthy of notice, inasmuch as it has some bearing upon this subject.

The word "survey" has had in this country a more comprehensive signification given to it than it would naturally bear; it means not only the measuring of the area of the land, but also the fixing a rent or land tax.

I mention this, because I am disposed to think, that in consequence some confusion has arisen, and a good deal of unsatisfactory work has been executed in former years.

13. Correct measurement of the land is absolutely required before an accurate assessment can be decided on; and I am of opinion that the difference between them should be very distinctly drawn and adhered to; for it by no means follows, that the person who is most suited to conduct a survey is also the best fitted for regulating the land tax.

14. Mr. Thomas first takes into consideration the question of the survey. With all that he writes in paras. 6 and 7 of his Minute, I fully concur; it is very desirable that the survey should comprise the enam lands, and that the titles to those holdings should be investigated as soon as possible.

15. The suggestion which is made by Mr. Thomas in paras. 8 and 9, is worthy of full consideration; still I am disposed to think, that the survey of the area should be carried on throughout each village, and landmarks distinctly laid down.

It

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It would not be therefore necessary to make any minute sub-divisions into fields of the uncultivated lands.

The classification of the soils of such lands would be undoubtedly premature, except perhaps a certain portion in the vicinity of the cultivation.

16. I entirely agree with Mr. Thomas in his remarks (paras. 11, 12, 13) on Sir Thomas Munro's system of survey, and there is one point in that system which I think should be specially pointed out to be corrected; viz., that of fixing the assessment not according to the value of the land, but according to the circumstances of the holder.

17. Too much care cannot be taken in making the survey as accurate as possible; and having attained that accuracy, it is most desirable that the measurement should be rendered permanent by substantial landmarks, and by village and district maps.

18. Several copies should be made of the village maps, so that one might remain with the head men of the village, another be lodged with the head of the talook or district, a third with the collector, and a fourth to be forwarded to the Board of Revenue, and the same course should be pursued with the district maps.

19. I am, on account of a full sense of the importance of the survey, inclined to doubt whether my honourable colleague has laid sufficient stress upon the nature of the survey, and whether in looking to a rapid result, which is certainly most desirable, and urgently required, his remarks in para. 3 might not be construed into the permission of a survey, which might afterwards, and at an early period, require re-adjustment.

20. I have already given an opinion (*vide* Minute, June 23, 1854), to which I am disposed to adhere, that the revenue survey might with advantage be connected with the trigonometrical survey, by which greater accuracy would be attained, and a more permanent work be effected.

21. Rapidity of execution must be attained by the employment of several parties of surveyors in different localities.

22. It has already been decided by Government, in the directions for the survey of the Hooloos Talooks of South Arcot, that no smaller area than that of an acre should be laid down in the maps, and I think that this rule should be adhered to.

This would not prevent smaller sub-divisions, if the inhabitants wished to make them; but it would free the Government surveyors from the trouble and expense of measuring these very minute portions of land.

23. Mr. Thomas proceeds to consider the subject involved under his second head; viz., the assessment.

24. The first point on which he dilates (paras. 14 to 28) is that of the classification.

There can be no question that this subject is encumbered with difficulties, and that it is vain to hope that any minute accuracy can be attained.

It therefore behoves the Government to undertake the work in a liberal and generous spirit.

25. Great authorities can be quoted against the practicability or expediency of attempting a land tax of the nature of that which prevails in India, and doubtless their observations are worthy of deep consideration; but it appears to me, that, whether right or wrong, the system is established and cannot be abolished, and that consequently the great object of the Government must be to endeavour to secure funds sufficient to provide for the efficient performance of the services of the State; at the same time so to adjust the tax as to interfere as little as possible with the industry and the welfare of the inhabitants.

26. I concur almost entirely with the remarks made by Mr. Thomas in paras. from 14 to 28.

I think that it is not advisable to attempt a very minute division of the soils, which involves the necessity of having a great number of classes.

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It would also appear unnecessary to classify the waste lands until it is proposed to bring them into cultivation.

27. But I would remark, that in his observations in para. 18, respecting the possible alteration of the classification by a change of circumstances, respecting roads, markets, &c., I think he rather diverges from the subject of classification of soils, if it is to be strictly adhered to, though I believe his remarks are in conformity with the system prevalent in India.

28. The classification has heretofore been made, I imagine, not strictly and solely with reference to the nature and qualities of the different soils, but it has comprised also, in estimating their values, those adventitious circumstances above referred to, such as propinquity to villages and markets, condition of roads, &c.

29. I am disposed to think that this is an erroneous method of proceeding, and to recommend that the classification should be limited to the powers of the soil and the subsoil, which should, as a matter of course, be examined.

The payments which had been made previously would be more a point for consideration in adjusting the assessment; during which process also, all the adventitious circumstances before alluded to, should be taken into consideration.

30. There is one rule of Sir Thomas Munro's, which should never be lost sight of during the classification; that is, to consult the ryots of the villages respecting the merits of the several fields.

Probably their accounts would not be very correct, and there would be a disposition to under estimate the powers of the soil; but a little experience would soon detect this, and it would not be practicable for them to deceive to a great extent for any length of time.

31. As a general system, I greatly prefer the Bombay method to that of the ceded districts; but I think it would be unadvisable to adhere closely to any previous plan, or indeed to lay down any number of classes which should be strictly followed.

In some districts possibly so many as eight classes would scarcely be required; in others a few more might be necessary, but it would not be expedient to allow the number to exceed ten.

32. So important do I think the simplicity of classification, that I should like to see the distinction between irrigated and unirrigated lands abolished, and a water rate charged in those cases where Government affords the supply.

Great assistance would be found in regulating the charges from the valuable work of Captain Baird Smith, on the irrigation of Lombardy.

The Bombay plan may, in some respects, attempt unnecessary minuteness; but I am of opinion that the very able reports of Messrs. Wingate and Goldsmid cannot be too fully studied by those engaged in a survey.

33. Mr. Thomas's remarks on the system of the North Western Provinces have my full concurrence.

The progress of society must eventually require that each man shall stand on his own merits, and pay for his own land.

That the result of the village system has been partial and unsatisfactory in this Presidency there can be no doubt.

In his report on the village system in Guntoor, Mr. Walter Elliot says:—

"The details vary in every village, and are characterised by one common feature only; viz., that the inequalities are always found in favour of the leading ryots, and to the prejudice of the poorer ones."

34. At the same time, and together with the classification of the soils, their respective powers of bearing should be determined, which should be demonstrated by fixed quantities per acre of the more ordinary grains of the district.

35. These quantities should be arranged in a liberal spirit, and fully below the actual amount, so as to prevent any probability of an excessive demand.

36. Again, with the different kinds of crops, those only should be named which are more generally cultivated, omitting any of greater value which may possibly be grown on some small portions of land.

37. Mr.

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37. Mr. Thomas next urges (paras. 28 to 34) the necessity of a moderate assessment, and shows that if this boon be granted, that the position of the ryot will be highly advantageous as compared with the landholders in Bombay and the North Western Provinces.

38. I am fully prepared to allow the necessity for moderation in the demand. No act of Government can be more unwise than one which would depress the cultivator of the soil, and deprive him of all hopes of raising his position in society, or of bettering his circumstances. At the same time, I would remark, that there are very different views of moderation afloat on this subject, and it is necessary therefore to be explicit on the point.

39. I am of opinion that the assessment should be fixed in a liberal spirit, with a due regard to the interests of landholders, and allowing a full scope to their industry, without neglecting the just requirements of Government.

40. To make a just settlement, full weight must be given to all the circumstances which bear upon each case ; otherwise, if the tax be made so light as to do away with the necessity of any such considerations, the rights of the Government will be sacrificed, and a mere quit-rent will be established, which, after a few years, will be considered a nuisance by both parties, in consequence of the trouble of collection, and the smallness of its value.

41. I look upon the land-tax of India as the grand basis, and the largest item of its taxation ; it appears to be that which is the most acceptable, and the most readily borne by the people, and therefore it should be retained in the prominent position which it now holds.

42. I am the more urgent on this point because, from the information which I now possess (and a greater knowledge and experience will probably confirm the view), I am convinced that if the improvements of every kind, viz., in the details of Government, in the courts, in the police, in education, in public works, in the establishment of dispensaries which are now called for, and which are allowed to be required, are to be undertaken, the expenditure of the country must be increased to a very large amount.

43. I think, therefore, that though the assessment should be moderate, it should be calculated on a certain fixed basis, which can be known, and which has reference to those points which are of material importance in the calculation, and which have been already, or which will be hereafter mentioned.

44. In para. 34, Mr. Thomas enters upon the consideration of what is a moderate assessment.

On this important point, he at once rejects the rates fixed by Sir Thomas Munro in the Ceded Districts, which were 33 per cent. of dry grain, and 45 per cent. of wet produce ; and he would interdict any officer from taking " a higher proportion than 30 per cent. for wet, and 22 per cent. for dry grain land."

He would further reject all garden rates, as has already been authorised in South Arcot.

45. I quite agree with Mr. Thomas in his objections to the rates fixed in the Ceded Districts, the faultiness of which has been made manifest, by the necessity of having constant recourse to the very objectionable plan of giving remissions.

But I am disposed to think, that a closer approximation to a just proportion might be attained than that proposed by Mr. Thomas, whilst, at the same time, the general process would be simplified.

46. I have already stated my views as to the classification of the land, including the quantities and species of produce which it should be declared to bear.

In the classification I have proposed to get rid of the division between wet and dry land, so that the soil would be classified solely on its merits, leaving the advantages gained by the opportunities for irrigation to be paid by a water rate, to be settled according to rules to be arranged by officers deputed on that service.

47. The question then comes, what proportion of the gross produce of the soil classified as above stated should be claimed by the Government ?

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I think it is most important, in order to enable the valuers to have some sure grounds from which they can start, and to enable them to settle that most difficult matter of a fair and moderate assessment, that one or two points should be definitively fixed.

The classification, when determined on, though liable in some cases possibly from time to time to revision, would be one of these:

The proportion to be paid to Government should undoubtedly be the other.

Sir Thomas Munro's proportion varied from 45 per cent. to 33 per cent.; but I believe he considered that it ought not in any case to exceed 33 per cent. Mr. Thomas would range between 30 and 22.

At present, in this Presidency, I hear that it is often 50 per cent., or even more.

It is calculated, I have heard, though all such calculations are not worthy of very great confidence, that 33 per cent. of the gross produce will give two-thirds of the net profit.

Whether this be the case or not I will not pretend to decide; if it is correct, I think it is a larger amount than the Government should exact.

48. After the best consideration that I can give the subject, I am of opinion that 25 per cent., viz., one-fourth, is the maximum amount which Government may fairly claim on all lands, classified as I have mentioned above, but liable to such deductions in various cases as I shall now mention.

It is possible that any immediate diminution of revenue which might be likely to result from this change in the per-centage might be in many instances provided against by allowing the ryots to take a larger portion of land in proportion to the decrease of assessment.

49. I have now advanced to this position of the procedure.

1st. The classification of the soil, its merits being declared by the amount and quality of produce applied to each class.

2d. The proportion of that produce which is to be claimed as the Government demand.

It is now the time, I think, for the valuer, surveyor, or whatever he may be called, to take into consideration those adventitious circumstances, which cause different fields (though containing soils of exactly similar qualities), to be of more or less value, such as distances from villages, roads, or markets, &c. &c.

Having come to his conclusion on this point, and always retaining the 25 per cent. as the highest Government claim for the most favoured soils, he will fix the amount of gross produce which shall be paid by all others.

50. In para. 35, Mr. Thomas alludes to the existing custom of charging additional rates on garden lands; the orders of Government have already permitted the abolition of this charge in South Arcot. I quite agree that the abolition should be made universal.

51. The next point is that very important one, of the commutation of that portion of the produce of the land which the landholder has to render to the Government into its money value for the purpose of payment.

Mr. Thomas discusses this subject in paras. 36 to 42. I, without hesitation, give my concurrence to the general principle which he lays down on this subject.

The actual payments made by the landholders ought to vary according to the money value of the productions of the soil.

It is clear that if a fixed settlement be made for any lengthened period of years, that the variation of prices may act most injuriously on the interests of either one party or the other.

This has been the case in many districts of this country, in which the prices which prevailed 30 years or more since, have been retained in payment of the land-tax; whereas, the reigning prices, those by which the ryot sells his grain, have very considerably diminished.

52. I am aware that it is a very difficult question to decide how the commutation price shall be arranged.

I am of opinion, that it is fairest and most advantageous for both parties that the payments of each present year should be paid according to the average prices of each previous year, prevalent within certain districts of country.

But

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But I believe that this plan could not very well be carried out, and that it would be under present circumstances more expedient to strike an average of the prices for a certain term of years, which should be the fixed commutation price for a similar term of years, when it should be replaced by another average, taken from the term just passed.

In order to facilitate this process, and also to improve the state of the country generally, it is very important that markets should be established whereat the prevailing prices should be recorded.

There are some very excellent remarks in Lord Tweeddale's Minute on this subject. He says:—

"Amongst the measures for this end, the establishment of public markets appears to me one of the most desirable and important; for I do not see how any fair calculation can be made of the amount in money which the farmer or ryot is to pay as an equivalent for the proportion of produce claimed by the landlord, or by Government, unless the price which the cultivator receives from the corn merchant is publicly known, and fairly recorded in the market.

"A public market has also the greatest effect on agricultural improvement."

I think this term should not exceed seven, or at the most 10 years.

Anything like a severe and lengthened pressure on the ryot in consequence of low prices would thus be prevented, whilst the Government would be secured in a fair and legitimate increase, which might fairly accrue to it by a continued advance of high prices.

I may here explain, that the only occasion in which Government should desire to obtain increased payments, should be in such a case as that referred to above, where there obtains a certain and continued increase of prices caused by a progressive improvement for a lengthened period in the state of the country.

But in order to insure confidence in the security of holdings, and to prevent any alarm of a sudden increase of assessment it should be clearly understood, that no change in the grain apportionment would be made for at least 50 years.

53. Mr. Thomas next alludes (para. 42) to a total remission of the tax in seasons of drought.

I am not prepared to give a decided opinion on this subject, and I think that it would not be desirable for Government to bind itself very distinctly.

It behoves it much more to prevent such distressing occurrences, which appear to occur regularly in cycles of years, by artificial substitutes, such as tanks and annicuts, and systems of irrigation which may be adopted in most districts of the Presidency.

54. The next subject (paras. 43, 44) is one of very considerable difficulty, that of the size of the holdings.

I am persuaded that no very great change can be suddenly effected in this country; neither would it be prudent to attempt it, though I have no doubt that the system which permits large districts of country to be subdivided into a vast quantity of minute holdings, is most baneful in every point of view.

I should, however, look with a very considerable degree of jealousy upon any rule which would go to prevent the industrious labourer without capital beyond the strength which God has given him, from rising in the scale of society, and this would frequently be the case, if a limit were placed on the quantity of land to form a holding, and if a certain amount of capital were required.

As Captain Wingate very justly remarks, "Owing to the laws and customs in regard to inheritance obtaining in this country, and the few opportunities for the employment of capital except in the cultivation of the soil, the land has at all times been very much subdivided, and with these conditions the existence or creation of a large body of wealthy farmers seems scarcely compatible. We may hope, under good management, to see agricultural property very widely diffused, and a very numerous class of small farmers enjoying comfort and independence; but there would seem to be few grounds for anticipating the establishment of a class of wealthy agriculturists, cultivating large farms, under any circumstances in India; and I do not know that this is to be regretted, for the problem, as to the best distribution of national wealth, has been by no means so satisfactorily solved as to enable us, in my opinion, to pronounce decidedly in favour of one of these systems."

There is much value in this sentence; and though I fully believe that a large number of acres can be cultivated more cheaply than a small one, always supposing

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posing the holder to possess a sufficient capital, yet I think that the accumulation of land must be left, in a country situated as this is, to those natural laws by which the acts of men in society are ordered, and any interference with which generally tends only to produce confusion.

55. This question is to some extent connected with one on which Mr. Thomas has touched in his general remarks at the end of his Minute; viz., the terms on which the holdings are retained in this country.

In the Ryotwar districts, it is generally ruled that the ryot's holding is perpetual so long as he pays the tax; he is at liberty also to abandon certain portions for a time, and while they are not in cultivation he pays no tax on them. He may even do this, I have seen it asserted, with the whole of his land, and still retain possession.

The customs of different districts, I believe, vary on this subject; but I think an attempt should be made to bring about an assimilation.

56. It is certainly a valuable prerogative to the ryot to be allowed this power of abandonment and of consequent freedom of taxation; but this privilege might, I do not know that it is, be carried so far as seriously to interfere with the interests of the country and of the neighbouring landholders.

As a general rule, no one ought to occupy land who has not the means or the industry to cultivate it well; it is an obligation which every man owes to society.

If then a ryot abandons either all or a portion of his land, without just cause, some limit should be placed on the continuance of such a proceeding, more especially if there are others in the vicinity willing to occupy the land, and able to cultivate it.

There is a practice stated to be common in this Presidency, which should at once be abolished, which is the forcing ryots to rent a larger portion of land than they require, and the obliging them to take a certain portion of inferior land in proportion to the quantity of rich soil which they hold.

57. I think also that greater facilities might be granted to the holders of large portions of land, by which the interference of the subordinate officials might be greatly diminished.

For instance:

I would retain the present rule for all portions of land below five acres.

For all above that number, but below 20, I would authorise the collector to enter into arrangements with the holders, by which, without going into the minute payments required for each field, and for the deductions for fallow, &c., they might be allowed to pay a certain amount annually, taking the fallows into consideration in diminution of the tax, but without requiring a yearly settlement.

Again, I would recommend that to all persons desirous of taking or actually holding larger portions of land than 20 acres, leases, if they should desire them, should be granted for terms not exceeding 50 years.

It being clearly understood that a re-adjustment should take place at the expiration of that period.

Thus the holders of land of less than five acres would keep it on the present tenure.

Those possessing more than five, but less than 20, might adhere to the present tenure, or if they should prefer it, would have the opportunity of making a composition.

Possessors of a larger number of acres than 20, might keep to the present tenure, or make a composition, or have a lease.

I think that by this method the wishes of all parties would be met to a very great extent, and that gradually, and in no very long time, there would be a very great diminution of the minute interference of Government subordinates now so prevalent and so much complained of.

The only reservation which it strikes me might be made in the compositions or leases, would be in the case of the value of lands becoming very largely increased from the opportunity offering of letting them for building lots, when it would be fair for Government to receive some portion of the advantage.

58. But it would be requisite to adhere to one rule with great strictness in these arrangements, viz., that in all cases the Government should have to do with

with only one person, who should be responsible for the tax, and in whom all the capital in the holdings should be vested. Minute by Right Hon. Lord Harris, 26 Oct. 1854.

The certainty of tenure should be clearly understood to be secured in all these cases, and only contingent on default of payment.

59. Every facility should be given for the easy completion of leases, and of transfers and sales of lands.

Hindrances, delays, difficulties, or heavy expenses on these points, are most hurtful to the industry of every country.

60. Great care should be taken in regulating the periods for the payment of the rent, so that they may be fixed at times most convenient for the land-holders.

I may here mention, that in order to simplify proceedings, to diminish the interference of the subordinate officials, and to facilitate the working of public affairs, both in the collectorates and with the Government, I am thoroughly convinced that a radical change is necessary in the method of keeping accounts.

At present they are kept in a language, the Mahratta, alien to the Government, and unknown to the inhabitants; the consequence is, that both the European officers and the people are in the hands of a third party, the Mahratta Brahmins, who doubtless have been and are of great use, from their ability and experience in business, but the system might be altered and their services retained.

61. I am of opinion therefore, that when instructions on this subject of a general survey are issued, which I trust will be at an early date, one amongst them should direct that for the future the accounts shall be kept in English, an abstract copy being made in the vernacular of the district for the convenience of the inhabitants.

62. In para. 46, Mr. Thomas offers a suggestion respecting an early survey and assessment, which is, that instead of waiting for some elaborate and perfect machinery, which might postpone a settlement for years, the junior revenue officers should be directed to commence it at once, and he thinks this is quite practicable if the simplified system of classification which he has proposed be adopted.

63. I fully concur with him in the necessity for an immediate survey. I believe it to be required almost throughout the Presidency, but more particularly in the Northern Circars, and I think measures should at once be adopted for immediate operations.

I have some doubts, however, whether the method proposed by Mr. Thomas would fully answer the purpose.

I must confess to some apprehension lest that, in endeavouring to facilitate the measure, inefficient means should be employed, and errors hence be committed, which would destroy all confidence in the survey, and render nugatory the efforts of Government.

The consequence would be that a fresh survey would again be called for.

I doubt not that some of the junior revenue officers are fully competent to undertake the work, or could in a short time render themselves fully available for the purpose; but it must be remembered that scarcely in any district has the collector a staff sufficient to perform the ordinary duties required of them, and to give them this very laborious addition, which would require constant attention, would, I fear, only tend to delay the routine work at a time when much greater celerity of performance is called for, whilst the character of the survey would at the same time be hazarded.

64. I am, however, quite prepared to support Mr. Thomas's view of immediate action, and to effect this thoroughly, I think that two nuclei for surveying should be formed in addition to that of Captain Priestly's, and on the same scale.

Captain Priestly will soon, it is hoped, be able to send out parties over the southern districts.

Another party should be stationed in the districts between South Arcot and the Kistna, and a third should take the Northern Circars.

If men properly fitted for the work cannot be found in this Presidency, they should be procured from Bombay or the North-Western Provinces.

65. There is one distinction which I would here wish to point out, which I think should not be disregarded.

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The measurement of a certain area of land may be most correctly made by a person who may be quite unfitted to fix an assessment, and great care should be taken in selecting persons thoroughly qualified for each purpose.

I am disposed to think that the suggestion (*see* his Minute) made by Lord Tweeddale, of procuring thoroughly qualified land agents from England for the purpose of assessing the land, might be adopted with great benefit. One of these men attached to each surveying party would soon qualify a number of others for these specific duties.

Though they would be at first ignorant of the habits of the people, of the nature of the soils, of the articles of produce, and of their values, these difficulties would soon be got over, and their knowledge of a correct system of valuation would be most important to the perfection of the survey.

I am further of opinion, that a person fully understanding practical geology, and agricultural chemistry, should be attached to each surveying establishment.

66. It should be remembered that, in a country like this, in commencing a thoroughly efficient survey establishment, the completion of the work actually in hand is not all that is required, but that it is important to bring up a number of persons in each district, who may hereafter be of service for the purpose, when waste lands are brought into cultivation.

In fact there will always be required in each collectorate some officers who can at once carry out a survey, and others who can fix an assessment.

On this point there are some valuable suggestions in Captain Erskine's Manual of Survey for the North-Western Provinces, in which he proposes a plan for instructing the village officers on those points.

67. I should, however, qualify the opinion I have given above respecting the survey department, by stating, that the last thing I wish for is to cause any delay, and that if good and trustworthy surveyors can be found amongst the junior revenue officers, and that it is thought that they can be so occupied, without impeding the course of public business, I have no intention of opposing their employment.

68. In paras. 47 to 49, Mr. Thomas refers to the discussion which occurs in the papers before the Board respecting the condition of the Goollem Talook in Bellary. On this matter it is unnecessary to offer an opinion, as Mr. Maltby is now making an inspection of that district, and if it be over-assessed, the general orders for the survey will remedy the evil; but Mr. Thomas's remarks remind me that there are two points which I have omitted, and on which I wish to write shortly. These,

1st. The occupation of the waste lands.
2nd. The formation of grazing farms.

69. It would be advantageous to encourage both these objects on very liberal terms, always requiring, on the part of Government, the right of re-adjustment, after a certain term of years.

The terms for grazing farms must be framed chiefly in conformity with the customs of particular districts, as they vary considerably in all countries.

In Bombay they are let annually to the highest bidder, but in some districts it might answer better to exact a small payment for each head or each 100 head of cattle, or to let for a longer term of years.

70. Every encouragement, by the most liberal and easiest terms, should be given for the first occupation of waste lands.

The following observation of Mr. Mill in his Principles of Political Economy should always be kept in mind in respect to this point:

"As, however, differences of fertility slide into one another by insensible gradations, and differences of accessibility, that is, of distance from markets, obviously do the same; and since there is land so barren, that it could not pay for its cultivation at any price, it is evident that whatever the price may be, there must be in any extensive region some land which, at that price, will first pay the wages of the cultivators, and yield to the capital employed the ordinary profit and no more. Until, therefore, the price rises higher, or until some improvement raises that particular land to a higher place in the rank of fertility, it cannot pay any rent. It is evident, however, that the community needs the produce of this quality of land, since, if the lands more fertile or better situated

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situated than it could have sufficed to supply the wants of society, the price would not have risen so high as to render its cultivation profitable. This land, therefore, will be cultivated, and we may lay it down as a principle, that so long as any of the land of a country, which is fit for cultivation, is not cultivated, the worst land in actual cultivation (in point of fertility and situation together) pays no rent."

71. In all the points on which directions are given and principles laid down on this important subject, full consideration should be given to rights already established, and the circumstances of those in whom they are vested, so that in regulating the titles, or the holdings or the diminution of assessment, all landholders in the several districts, whether ryots or zemindars, or whatever may be their titles or tenures, should proportionably benefit by the concessions which it may be determined on to grant.

72. In conclusion, Mr. Thomas gives his views (paras. 50 to 62) on a point, which is doubtless of great importance, viz., the position or status, or nature of tenure, which the ryot, meaning thereby, I presume, any landholder, is to be supposed to hold, whether that of landlord or tenant or labouring peasant.

73. I quite agree with Mr. Thomas, that the ryot's position is not a very hopeful one, if such a rent (para. 51) is to be exacted from him as will leave him nothing more than the bare wages of a labourer, or if no more is to be left to him than will support his family (para. 52) and keep up his stock, or if he is to be saddled with land which he does not require, and is forced to cultivate it, or at all events (para. 53) to pay tax on it; or again, if he is to be required to pay such a rent as it has been customary for landlords in England to require (para. 54), irrespective of what may be the pecuniary needs of the Government, or if his assessment is to be raised at the end of a term of years in proportion to the improvements which he has made in his holding.

74. But though I agree with Mr. Thomas in his views up to this point, I am not prepared to go the length of placing the ryot in the position of a landlord according to the meaning of the term in England. Neither do I think it desirable that the assessment should gradually become a mere quit-rent, or that the opportunity should be afforded of purchasing a total remission of land-tax.

75. The landlord class of Europe is a result of the conquests of the dark ages, a relic of the feudal system, still flourishing in England alone, in consequence of that profound sagacity which has induced the conquering race to amalgamate with the conquered, and then to govern by yielding, when it could not command by force.

Still, even there, with all the advantages which it possesses, how much land there is neglected and unimproved, in consequence of its remaining in the hands of those who cannot expend capital on it?

How few are the opportunities for the industrious and able poor man to raise himself as a landholder?

76. But I doubt the expediency of endeavouring to create, and the possibility of forming such a class in a country circumstanced as this is, even were it in accordance with the spirit of the age.

I am inclined to think that any attempt to give a status of that nature to the majority of the agricultural class in India would not only fail, but would result in rendering them merely the cultivators or land agents of a monied aristocracy.

77. Before coming to any conclusion on this point, it is necessary to consider, not only what is, but what is likely to be the basis of the financial system of the Government of India; if that point can be decided with sufficient clearness, we may then be in a position so to modify the tenures of land as to make them coincide with sound principles of finance, and at the same time to give full scope to the industry and prosperity of the landholders.

78. I consider that the land of a country belongs to the Government *de facto* and should be held by it, and should be distributed by it amongst the population in such a manner as is likely to cause it to be most beneficially cultivated, both as regards the interests of the cultivators, and of the whole community.

There may be, and we know there are, many hindrances to this principle being even openly allowed, much more to its being fully carried out, in all

Minute by Right Hon. Lord Harris, 26 Oct. 1854.

countries, but in those cases wherein the opportunity is afforded of starting from first principles it should not be neglected.

I think this opportunity exists in the ryotwar districts of this country.

79. The foundation of taxation in India consists in its being direct, and in its being derived from land.

To this tax the people readily yield; and it would be, therefore, injudicious to make such alterations in its relative bearings to the whole amount of the public revenue, as might in a short time render it a small item amongst the general contributions to the income of the country.

If another course were to be pursued, it would shortly be necessary, in order to keep up the revenue, to have recourse to the many expedients of indirect taxation, which create constant difficulties and dissensions, and which are frequently unsatisfactory in their results.

80. But not only do I think that such a change would be inexpedient; I am further disposed to think that the healthiest system of taxation may be established on a direct assessment upon land, laid on in a just, a liberal, and a comprehensive spirit.

I think it might be so fixed as to bear the greater portion of the expenses of the State, without interfering with enterprise.

81. In this case the Government would be the great landlord; but it is not therefore necessary for it to extort the full rent value of land, but to modify its demand according to the wants of the public service.

There need be no revision of the assessment, except at very lengthened periods, when such an evident increase should have taken place in the value of the soil, as could not be ascribed to, and therefore could not interfere with, or press hardly upon, the improvements of any one proprietor or generation, but would be the result of the general advancement of the country in welfare and prosperity.

82. What I mean is this: there is a position differing from that of being the tenant of a landlord, differing also from that of landlord as it exists in England; that position is, being tenant of the State on liberal terms, which is in actual existence in this country.

I am of opinion, that it is very important on sound, industrial, and financial grounds, that this position should be perpetuated.

Morally, because I believe it will have the tendency to require each generation to act and work for itself.

Industrially, because it will insure the best cultivation for the whole of the soil; financially, because it will continue a simple and easy mode of taxation, which gradually and almost imperceptibly will augment the public funds, in proportion to the progress made in the country.

83. To secure these results, the assessment must be,

1st. Sufficiently high to make each proprietor look after his affairs, or to hazard the loss of his holding by nonpayment of his dues.

2d. Sufficiently moderate as not to interfere with the employment of capital, or to shake confidence in the certainty of a fair net return for the outlay.

3d. Sufficiently important in amount as at all times to be the chief, or at all events a principal item of the public revenue.

84. I of course do not mean that it should be the only source of public revenue; indirect taxation exists to a certain extent, and should be continued, but I would recommend that the land-tax should retain the important position which it at present holds.

85. There must always be many objections to any system of taxation; there will always exist opportunities for ascribing to the measures of Government the responsibility of misfortunes which are caused by the errors of individuals.

Any scheme which can be devised will, doubtless, be replete with imperfection, and it is likely to be ascribed as a great fault that the system proposed will impede the formation of a large proprietary class. I think this conclusion by no means follows, though the possession of lands in fee simple (which is considered almost a *sine quâ non* in England) would not be granted.

I am

I am not sure that any great advantage is to be derived from that species of possession if security of property is otherwise well provided for, and there is always a tendency in that description of tenure to impede those changes which are natural to the variable state of human society, and which should be rendered as easy of accomplishment as circumstances will permit. Minute by Right Hon. Lord Harris, 26 Oct. 1854.

86. Notwithstanding these apparent faults, I am still very confidently of opinion that an opportunity now offers of remodelling the state of affairs in this country, which is favoured in no small degree by the nature of circumstances, and to a greater extent than frequently occurs.

I see nothing to prevent the establishment of a basis of taxation which may be both equitable and moderate, to which the population is accustomed, and which may be made a source of benefit to the country.

By it permanency and security may be given to property, whilst hindrances to improvement will not be perpetuated. The Government only requires full scope to undertake the matter in a liberal and comprehensive spirit, and I think that there is every reason to hope that the result will be successful.

26 October 1854. (signed) *Harris.*

MINUTE of the Right Honourable Lord *Harris*, on the proposed General Survey and Assessment; dated 12 May 1855.

WITH respect to Sir H. Montgomery's remark on my suggestion that 25 per cent. should be the proportion of gross produce which Government should receive, I would take this opportunity of stating, that it by no means follows that nearly half the amount of the present land-assessment would be sacrificed. Minute by Right Hon. Lord Harris, 12 May 1855.

So far as I can learn, I am led to suppose that the quantity of land actually in cultivation considerably exceeds that on which the rates are levied, and that consequently a correct measurement will give a gain to Government on this point.

But that argument is taken apart from the real point for consideration, which is, what is the maximum which Government can demand of the cultivator, leaving him a fair prospect of being remunerated for his labour and of receiving a just interest for his capital?

To exceed this involves ruin to him, and therefore loss to the country.

If one-third of the gross produce is equal to two-thirds of the net profit, I think it is more than should be taken with a just regard to the views above mentioned.

I have no doubt that if fixed at the rate I have mentioned, not only would there be no loss to the general income, but that there would be in a short time a large addition to it, by the large quantity of land which would be taken into cultivation, and by the increased consumption of articles of import, both of which would be caused by the accumulation of capital.

The actual loss or gain to Government will only be known after the survey has been made and the assessment fixed, and I am disposed to think that the general out-turn would be far from unfavourable to Government.

The proportion of 25 per cent. of the gross produce has been fixed on by the French, and there can be no doubt of the result which has followed in their territories. It has been most successful. It should be remembered that even if diminutions of revenue should occur in consequence, in some localities, these would be by no means contemporaneous, as the survey cannot be carried on all over the country, and will, however expeditiously effected, consume a great deal of time.

(signed) *Harris.*

Letter from Court of Directors to Government of Fort St. George, 17 Dec. 1856.

LETTER from Court of Directors to Government of *Fort St. George.*

Revenue Department, 17 December (No. 17) 1856.

OUR Governor in Council at *Fort St. George.*

Survey and assessment of the Madras Presidency.

Para 1. WITH your letter, dated the 11th October (No. 44) 1855, you have submitted to us a Minute of Consultation, dated the 14th August 1855, showing the final result of the consideration which has been given, during the last ten years, to the question of a general survey and revision of assessment in the districts subordinate to your Presidency.

2. You on the same date referred the whole matter for the orders of the Government of India. The vast importance of the subject, and the necessity for dealing with it only with the fullest information, and after the most mature consideration, compelled us to await the communication of the views of that Government before issuing the instructions which you solicit.

3. The minutes of the several members of the Supreme Council have been forwarded to us, with a letter dated the 15th May last (No. 14), in which they give their "strong and unanimous recommendation that the measures proposed by the Madras Government should be generally sanctioned, and that authority should be given to carry them into effect."

4. The urgent necessity of a survey, with a view to the re-assessment of the land revenue in the greater portion of the districts under your Presidency, is, we consider, established beyond the possibility of doubt. We now proceed to review the several recommendations in the order in which we find them stated in your Minute of Consultation of the 14th August 1855.

Paras. 6 and 7.

5. We approve entirely of your proposal that the opportunity of the survey should be embraced for the purpose of instituting an investigation into the tenures on which land is now held rent free. "It is notorious," you observe, "that in every district enams to a large amount are held without any valid title whatever," and although we can scarcely join in your anticipation that an investigation of titles, if "undertaken in a fair spirit and with proper consideration for the presumptive interest which has grown out of a permissive enjoyment of above half a century, will not be objected to," yet we are not on that account disposed to withhold our assent to a measure which is called for by a due regard to the interests and claims of the tax-paying portion of the agricultural community and of the general mass of our subjects.

Para. 34.

6. With respect to the mode of dealing with persons holding enam lands on titles found to be invalid, we agree with you that, "after the long possession which has been tacitly permitted, it would be only fair to deal liberally with these cases, and to forbear to resume immediately; the proceedings should rather be of the nature of those at Bombay, under Act XI. of 1852. Thus," you observe, "the immediate recovery of revenue from this source would not be great, but ultimately it would be very considerable."

Para. 8.

7. We approve your decision that, for the purpose of obtaining greater accuracy, the revenue survey should be connected by minor triangulations with the great trigonometrical survey, a point to which we referred in para. 7 of our despatch of the 18th July (No. 11) 1855.

Para. 9.

8. We have already expressed our approval of the proposed manner of mapping very small fields in paras. 4 and 5 of the above-quoted despatch. We shall hereafter have occasion to recur to the point of the size of fields when discussing the question of the expediency of discouraging small holdings, and the consequent increase of pauper ryots. We shall only remark in this place, as we have already stated in para. 6 of the despatch before referred to, that we believe you are under a misapprehension in supposing that, by the Bombay system, any limitation was placed on the size of fields actually occupied, or any interference practised with existing rights. Neither is it, we believe, a correct statement of the Bombay rule that, "if a field were held in partnership, and one

one of the co-partners died or gave up his part, the other co-partner must take it, or abandon his part also, unless he could find some one to take the vacant share." By the Bombay practice, several small fields held on the same tenure by different occupants are clubbed together to form a larger field, bearing a separate number, and approaching in size as nearly as can conveniently be accomplished to the minimum size permitted for unoccupied land. These small fields continue to be held by their occupants, who, although designated sharers, are not under any joint responsibility, nor are their previous rights in any way interfered with. No further subdivision is permitted; and in the event of one of the small fields or shares becoming vacant by death, default, or otherwise, the ryots holding the other shares or portions constituting the survey field are required to arrange among themselves to take up the unoccupied portion, or to vacate their own shares, so as to leave the whole field to be engaged for by one individual. The obvious and intentional tendency of this rule is to lead to the consolidation of the small holdings into larger ones; and although it may appear somewhat arbitrary, no difficulty has been found, so far as we are aware, in carrying it into practice under the reduced and equalised assessment.

Letter from Court of Directors to Government of Fort St. George, 17 Dec. 1856.

9. The extension of the survey to enam, as well as Government lands, is highly proper. The detailed survey of the jungle and unreclaimed waste appears to be, at least for the present, unnecessary. The establishment and preservation of boundary marks, and the preparations of field maps, village maps, and talook maps, are essential to the permanency of the work.

Para. 10.

10. We agree with you that the best mode of settlement is that commonly termed ryotwar, although it may more correctly be designated khetwar; that the assessment on each field should be defined and fixed, so that the cultivator should know precisely the amount of the Government demand on the land occupied by him. Whether the collection of the revenue from the individual ryots should be made directly by the stipendiary officers of Government, or by some intermediate agency, is a question which we propose to notice in a subsequent part of this despatch. With a moderate assessment, it is to be hoped that remissions, except under rare and exceptional circumstances, will cease to be granted. We have observed, with much satisfaction, that in the recently surveyed districts of the Bombay Presidency remissions have already almost disappeared from the accounts.

Para. 11.

11. The discontinuance of the practice of granting remissions will render unnecessary all interference with, or inquiry into, the agricultural operations of the ryot. He will be held liable for the assessment of all the land, whether actually cultivated or not, for which he may have engaged, until he shall have formally relinquished it; and entire freedom will be given to him either to relinquish or to take up fresh land, as his inclination or means of cultivation may dictate to him.

Para. 12.

12. In the classification of the soils, we agree with you in the opinion that exact accuracy is unattainable, and that, provided the assessment be sufficiently moderate, the want of it will not for a time be of much practical importance. We therefore concur with you in thinking that the classes should be few, and based on real and distinguishable differences of soil. The officers engaged in the duty of fixing the assessment should always bear in mind that, as you have expressed it, "the right of the Government is not a rent, which consists of all the surplus produce, after paying the costs of cultivation and the profits of the agricultural stocks, but a land revenue only, which ought, if possible, to be so lightly assessed as to leave a surplus or rent to the occupier, whether he, in fact, let the land to others, or retain it in his own hands."

Paras. 13 and 14.

13. The suggestion that the distinctive classification of lands according as they are or are not capable of irrigation from a Government source, should be abolished, and that all land should be classified, simply with reference to its soil and its productiveness, without irrigation, a water-rate being charged when Government water is used or is permanently available, is one well worthy of mature consideration. This practice prevails in the North-West Provinces, and although the universal practice under your Presidency is different, the change might, you think, be made without inconvenience on the occasion of a survey, if, on the whole, deemed expedient.

Para. 15.

Para. 16.

14. The classification of the soils having been completed, the next process to be undertaken is the valuation of the land. In the former operation the inherent qualities of the land only are considered; while, in the latter, such accidental circumstances as the nearness of the village, facility of communication, and whatever else may affect either the quantity or quality of the produce, have to be taken into account. This may, you consider, be most conveniently effected, as in Bombay, by placing the field or village, as the case may be, in a higher or lower class of assessment, according to the aggregate of such circumstances.

Paras. 17 to 19.

15. The next and final process is the determination of the assessment. You are of opinion that, with certain exceptions, the proportion of the crop actually taken by Government at the present time, except when there have been recent reductions, is not less than 50 per cent. on irrigated, and 35 per cent. on unirrigated land. Under the revised assessment you propose that 30 per cent. of the gross produce should be taken as the maximum of the Government demand under the most favourable circumstances, but subject to reductions in the event of the absence or lower degree of any of the accidental advantages referred to in the preceding paragraph. These reductions would, you apprehend, bring down the share taken by Government to about 25 per cent., or one-fourth of the gross produce.

16. We consider that this part of your scheme is the one most open to objection, and moreover that it is inconsistent with the principle laid down in para. 13 of your resolution, that the right of Government is not even to the whole rent, but only to a share of the rent. In lands of a high degree of fertility, possessing easy means of communication, and in the neighbourhood of good markets, 30 per cent. of the gross produce may fall considerably within the limit of the rent or net produce; in lands less fertile and less favourably situated, a much smaller share of the gross produce might considerably exceed it. The natural and inevitable consequence, as it appears to us, of apportioning the assessment to the gross produce, is to favour the most fertile lands, and to press with increasing severity on the poorer lands in an inverse ratio to their fertility.

17. In a natural state of things, when the demand for agricultural produce is such as to render it necessary to bring all the available land under the plough, the least fertile land in cultivation would be that the gross produce of which would merely furnish the wages of labour and the profits of the stock employed in cultivating it, leaving no surplus out of which any rent or assessment could be paid. If, as under our revenue system, an assessment, however small, is imposed, such land must of necessity, all other circumstances remaining the same, be abandoned, and cultivation will recede until it reaches the point at which the gross produce is just sufficient to provide for the payment of the assessment, in addition to the wages of labour and the profits of stock.

18. The fact that the holdings are generally of very small extent, that the labour is performed in most cases by the ryot and his family, and that the agricultural capital employed is of exceedingly small amount, does not, we apprehend, interfere with the operation of the principles to which we have adverted. The produce of the land must at least be sufficient to feed and clothe the labourer and his family, and to replace the cattle and agricultural implements as they become worn out; and, besides this, a surplus must remain for the payment of the assessment imposed by the State.

Directions to settlement officers, N. W. P. para. 52.

19. We are therefore of opinion that the assessment should be proportioned to the net, and not to the gross produce. This course was followed in the North-Western Provinces of Bengal, when the proportion demanded by the Government as its land revenue was taken at two-thirds of the net produce. You observe that, although this share of the net produce would bear various proportions to the gross produce, according to circumstances, on the whole it may be assumed to be equal to about 30 per cent. on the gross produce. Admitting this assumption to be sufficiently correct for practical purposes, we must observe that the question is in no respect one of averages. It may be true that 30 per cent. of the gross produce of a whole district may be equivalent to two-thirds of the net produce; but the object of your proposed operations is to apportion the assessment fairly on the individual fields composing the district according to their varying degrees of value, and this object will not be attained by making the gross and not the net produce of each field the basis of assessment.

20. It

20. It may be argued that the net produce cannot be ascertained, or even estimated with any near approach to accuracy. No attempt to estimate the net produce has been made in the revised settlements of Bombay or of the North-West Provinces, in the latter of which it is declared, that the operation of determining the assessment is "not one of arithmetical calculation, but of judgment and sound discretion." We are well satisfied that absolute accuracy cannot be obtained; but in endeavouring to fix the assessment on the basis of the net produce or rent, we apprehend that you would be pursuing a course founded on correct principles, although but imperfectly attainable in practice. For the attainment of this object, as of many others contemplated in the revised settlement, it is probable that much useful information may be gathered by consulting the most intelligent and influential inhabitants of the villages in course of assessment. The main point to be regarded is, that the assessment should be fixed at a rate sufficiently moderate to allow for errors of judgment on the part of the settling officer. If this be attended to, the effect of any inequalities which may occur, will only be to render the lower assessed fields more valuable than those on which a higher assessment is imposed; but in all cases the share of the net produce left to the cultivator, after defraying the assessment and the expenses of cultivation, will still be sufficient to render his land a desirable property.

Directions to settlement officers, para. 51.

Directions to settlement officers, N. W. P. paras. 53 and 54.

21. The proportion of the produce to be taken as revenue being determined, the next step, you observe, is to decide the principle on which to convert it into money. You propose that the assessment of each field should be fixed in terms of so much grain, and that the grain should be converted into money at the average price of the preceding seven or ten years (according to the period that it may be thought advisable to take), and that the prices so fixed should endure for a term of the same length, at the expiration of which they would again become liable to readjustment on the same principle. You are also of opinion, that the grain assessment should not be fixed in perpetuity, but declared unalterable for a period of 50 years.

Paras. 20 to 23.

N.B.—It is also suggested, that the mode practised in this country for the commutation of tithe into a rentcharge, might perhaps be beneficially adopted, viz., to take the conversion price of each year at the average price of the preceding seven years.

22. We entertain great doubts of the expediency of these proceedings. We think that the rates, as we propose them to be assessed, should be sufficiently moderate to allow for all ordinary fluctuations in the prices of grain, and that all needlessly frequent alterations in the amount of the ryot's payments should be avoided. The grain assessment having been determined and converted into money at a fair and moderate rate, we should prefer that the assessment so fixed should be declared unalterable for a term of 30 years (as in Bombay and the North-West Provinces), at the expiration of which period both the amount of the grain assessment, and the rate of its conversion into money, would be subject to readjustment, according to existing circumstances.

23. In these paragraphs you have discussed the means which it may be possible to adopt to diminish the evils arising from the existence of very small holdings, and consequently of a class of ryots scarcely, if at all, above the grade of paupers. The economical disadvantages of a minute subdivision of holdings are very generally admitted, both under your Presidency and that of Bombay. The two main causes of minute holdings you state to be, first, the practice of equal partitions of property among heirs; and secondly, the facility with which men, without any capital or any interest in the soil, have been allowed to obtain land.

Paras. 24 to 27.

24. From a statement appended to the Board's Report on the Land Revenue Administration for 1853–54, it appears that out of a total number of puttahs (excluding joint puttahs) of 14,09,729, no less than 8,34,190 were for sums below 10 rupees, and give an average assessment of 3½ rupees for each holding.

25. You observe that, "under the new settlement in Bombay, an attempt has been made to check the evil by positive restrictions on the size of holdings, and similar measures have been proposed" for your Presidency. We have already called your attention to the Bombay rules, and to the effect which, without interfering with existing interests, it is hoped they may exercise eventually on the size of holdings. The small fields which now constitute separate and distinct occupancies may ultimately become consolidated into one survey field, and

Letter from Court of Directors to Government of Fort St. George, 17 Dec. 1856.

no land now uncultivated will be allowed to be taken up in a smaller quantity than a survey field. No further subdivision will be permitted, and although under the law of equal partition, the interest in the land may be divided among the members of the family of a deceased occupant, the integral field will be held liable for the revenue assessed on it, in the event of default on the part of any or all of the joint-tenants.

26. Although the Bombay rules may not be applicable in all respects to the circumstances of your Presidency, we conceive that it will not be impracticable to establish regulations which, while differing in form, may still tend to the same end. It is easy to conceive that under the Hindoo law of inheritance, holdings (we do not under this term refer to single fields, but to all the fields in the occupation of one individual) may be so split up into minute portions, that the produce of each shall be barely sufficient to maintain the cultivator and his family, leaving no surplus out of which to pay any assessment. We consider that the Government has a clear right to take measures to prevent the occurrence of a state of things which will ultimately dry up the source from which the revenue on which it mainly depends, is derived. In the exercise of this right, they may justly declare that the fields actually occupied and cultivated at the time of the survey, falling within a certain defined limit, shall not be further subdivided, but that whatever division of interests may hereafter arise under the law of equal partition, the whole field will continue liable for the whole revenue fixed upon it; that persons desirous of engaging for fresh land, will not be permitted to take it except in fields of a definite size, unless, together with that of the fields which they may already occupy, the assessment of the whole holding shall not fall below any amount which you shall hereafter determine. You might also declare that the holder of any small portion of land falling into arrear (a circumstance which will probably occur not unfrequently when the grant of remissions, except under a general calamity of season, ceases to form a part of the revenue system) shall not be allowed to have a fresh puttah, but that it shall be added to the holding of any person willing to engage for it, provided the whole holding does not fall below the prescribed size. We would also suggest that no ryot, desirous of contracting his cultivation, should be allowed to do so by giving up land which would reduce his holding below the prescribed limit.

27. We cannot doubt that rules framed in accordance with the principles indicated in the preceding para. would have the beneficial effect of preventing further subdivision of holdings, and ultimately of getting rid of a large proportion of the very small ones which now exist, and further, that they might be carried into effect without any objectionable interference with private rights.

28. In para. 27 you have referred to the rights of meerassidars over the waste lands of their villages, and you observe, that "under moderate assessment land will become valuable, the rightful holders will occupy it themselves, subletting it, or part of it, and will no longer quietly submit to its being given away to those who have no rightful interest in it." The question involved in this paragraph, is one of very considerable importance, and it would appear that you now propose to deal with it in a manner at variance with the practice which has hitherto prevailed. We desire that, in the disposal of waste land, you will be guided by the principles laid down in para 55 of our despatch of the 28th July (No. 8) 1841, and paras. 31 and 32 of despatch, dated 3d July (No. 17) 1854, and which are more fully enunciated in your Minutes of Consultation of the 1st March and 24th July 1849.

Circular Orders of the Board of Revenue, para. 321.

29. We see no reason to change the opinions respecting the rights of meerassidars which we entertained when those paragraphs were written. Wherever, as in Tanjore, any remains of meerassy-right have survived to the present time, and have an actual existence, we do not desire that it should be interfered with; but where, as in the greater portion of your Presidency, it has fallen into desuetude, and has only been known in name ever since we have obtained possession of the country, we think that it would be unwise and inexpedient to make any attempt for its revival.

30. When applications for waste land are made by strangers, they should be communicated to the resident cultivators of the village, whether claiming to be meerassidars

meerassidars or not, and the option should be given to them of engaging for it, finding security for the payment of the assessment should they, or any of them, think fit to do so; they would, of course, be at liberty either to cultivate the land themselves, or to sub-let it; but the payment should be strictly enforced, in order, on the one hand, to prevent transactions in the nature of land-jobbing; and, on the other, to deter the villagers from engaging for land merely for the purpose of excluding others who might be desirous of holding it direct from Government, but who objected to take it as their sub-tenants. In cases where the resident ryots should refuse to engage for the waste lands of their village, Government may exercise the right of granting them to the persons applying, who would then hold the same position, and possess the same rights in all respects as the other ryots of the village. Min. Cons. 24 July 1849.

31. In these paragraphs you refer to the practice of yearly holdings, and you state that "it seems desirable to adopt measures to introduce a more permanent occupancy." "Under the present system," you observe, "a ryot is held to be entitled to hold his land so long as he pays the demand on it. The Government cannot oust him to give the land to another; but he is free to throw up the land whenever he pleases. Practically, under this system, many fields are held permanently, although the ostensible title is only the annual puttah." Paras. 28 and 29.

32. The means by which you propose to give this greater permanency appear to be, first, by converting the annual puttah into a perpetual one, or at least, for so long as the ryot shall not desire to contract or to increase his holding; and, secondly, by allowing ryots occupying "holdings of some considerable size," to compound for a fixed annual payment, either for a term of years or otherwise, making certain allowances for waste, for fallow, for bad seasons, &c.

33. The objection to the latter of these plans appears to be that, although ryots would probably be willing to engage for their holdings for a sum somewhat below the aggregate amount of the assessment on the fields composing it, and would continue to pay it so long as the seasons were favourable, yet, in a year of failure, when scanty crops might be combined with low prices, there would be no means of keeping them to their engagements. The contract, in short, would be altogether and solely for the advantage of the ryot, and under a moderate assessment, such an arrangement seems unnecessary either to induce extended cultivation, or to secure permanence of occupancy.

34. The first plan, however, appears highly desirable, and we observe with satisfaction that it has already been partially brought into operation. In their Report on the Revenue Administration for 1853-54, the Board of Revenue say that they propose "establishing the rule that each ryot is answerable for his holding of the preceding year, unless within a fixed time he presents a writing, detailing any fields which he wishes to resign, or any new land which he wishes to occupy. All these representations," they state, "are to be promptly settled; and on their completion, the cultivation returns of the year showing the land under occupancy will be drawn out. The Board have already sanctioned this change of system in Nellore and South Arcot; and now that the assessment is in process of being placed on a modified and sounder basis, they hope that the ryotwary system will gradually receive its intended development, and display a series of estates held by substantial proprietors with little annual charge." Under this arrangement, the interference of the native revenue officers will be reduced to the lowest possible amount, and, in fact, no interference will be called for except at the cultivator's own request. Letter dated 4 July 1855, para. 21.

35. The extent to which it is proposed in this paragraph, that the revenue survey and assessment should be carried, seems to be judicious. It will include all land usually cultivated, and all that has been cultivated within memory, or according to the village accounts, as well as such as may seem likely to be brought under the plough, under the operation of an improved revenue system. Jungle, and utterly unreclaimed waste, will not be surveyed in detail, the total area only being determined. Para. 30.

36. These paragraphs are devoted to the consideration of the probable effects of the proposed measures on the revenue of your Presidency. You are of opinion that they will be followed gradually, but surely, by a great extension of cultivation, and you anticipate with confidence that the result, "instead of a falling Paras. 31 to 35.

off, will be an accession to the revenue, while, as respects the payers and the public, the gain will be enormous, the revenue will be derived from sources double or treble those upon which it is levied now, and will be paid with corresponding ease and absence of privation."

Madras Selections, No. 22, papers relating to the revision of assessment in South Arcot.—Note *ad finem*.

37. We are disposed to concur in these expectations, and the probability of their realization is borne out by the actual results of the revisions of assessment under the Presidency of Bombay, as well as by the effects of the introduction of reduced rates into the district of South Arcot.

38. It must, however, be borne in mind that the large augmentation of agricultural produce, which may be expected to ensue on the reduction of the assessment, will, if confined to grain for local consumption, and especially if ready means for transporting it to distant markets are not simultaneously provided, probably lead to a considerable decrease in the price, and that the ability of the ryot to pay the lower assessment, may be in reality no greater than that which he now possesses under a higher one. It is therefore of the utmost importance that encouragement should be given to the production of sugar, cotton, and other articles suited for exportation; and that, as we have already remarked in our despatch of the 8th November (No. 23) 1854, when referring to the expected increase of produce consequent on the construction of extensive works of irrigation, ready means of inter-communication between the several districts should be afforded. Although not specifically stated in the resolution which we have been reviewing, we presume that provision will be made in the new arrangements for the formation of district road funds, on a principle similar to that established in South Arcot, which was approved in para. 20 of our despatch, dated the 18th July (No. 11) 1855.

Paras. 36 to 44.

39. The agency proper for effecting the survey and assessment, and the cost of both operations, have next to be considered.

40. You propose that the survey should be conducted under the superintendence of a surveyor-general, who should be an officer of scientific acquirements, and who should receive a salary of 1,000 rupees per mensem, in addition to the ordinary pay and allowances of his rank. Under this officer you would place at least four deputy surveyors-general, with staff pay at the rate of 650 rupees per mensem, each in charge of a separate geographical division of the operations. The total cost of the survey, assuming the area to be subjected to it at 38,000,000 acres, or 60,000 square miles, you estimate at 38,40,000 rupees, and the time that it would occupy at 22 years.

41. You are of opinion that the assessment and settlement, including the classification and valuation of the land, should be entrusted to a different agency. You accordingly propose that a revenue officer of experience should be constituted superintendent of settlement, with a salary (to avoid frequent changes of incumbency), not less than that of a member of the Board of Revenue, with deputies under him at 1,000 rupees per mensem, one of whom it would probably be found expedient to have following each deputy surveyor-general. Estimating the extent of land to be brought under settlement at 38,000,000 acres, and the cost at 10 rupees per hundred acres, the total amount will be 38,00,000 rupees, which, added to the cost of the survey, will give an aggregate sum of 76,40,000 rupees.

42. You observe that the amount is large, but that as it will be spread pretty equally over a period of 15 or 20 years, it will amount to no more than a charge of from one to one and a half per cent. on the annual revenue. The information which you have requested from the Government of India, as to the salaries and establishments of the settlement officers in the North-West Provinces, and the nature of their duties, will, when received, probably lead you to modify in some respects the scheme of establishments which you have suggested; when this shall have been finally settled, you propose to submit detailed statements for the sanction of the Government of India. We will here remind you, that much information is possessed by the Bombay Government regarding establishments, both of survey and assessment; and amongst other competent authorities, we refer you especially to the reports of Major Wingate and Mr. Goldsmid on this subject.

Paras. 44 and 45.

45. We

43. We fully concur in your opinion that the cost about to be incurred is not more than commensurate with the importance of the objects sought to be attained by it; and we therefore give our sanction to the expenditure required. We would only remind you that the work should be pushed on as fast as efficient establishments can be organized, not only that the people and the Government may the sooner benefit by the projected measures, executed with caution and judgment, but also from motives of economy, as it is obvious that the expense of superintendence need not be increased in a ratio proportionate to the increase of the work, whether of survey or assessment, which must be performed in the field.

Letter from Court of Directors to Government of Fort St. George, 17 Dec. 1856.

44. In his minute, dated the 13th March 1856, Mr. J. P. Grant has pointed out that, from the circumstance of the settlement being ryotwar, it does not necessarily follow that each individual ryot should pay his dues direct into the public treasury. In our despatch, dated the 31st January (No. 1) 1849, we suggested the expediency of your requesting information from the Government of Bengal, as to the mode in which the settlement of Cuttack had been conducted, with the view of ascertaining whether any of the principles there adopted could be made applicable to the Northern Circars. This system was examined by Mr. Walter Elliot, who appears to have arrived at the conclusion that a system similar, at least in some respects, to that of Cuttack, might be introduced with advantage into those districts. Mr. J. P. Grant also expresses a similar opinion, observing that "nothing could have worked better than the last settlement of Cuttack." We do not wish to issue any positive instructions on this point; but we think that the recommendation of Mr. Elliot, together with some other suggestions offered by Mr. Grant in his minute before referred to, should receive your careful and deliberate consideration.

Minute, 8 June 1854.

Minute, 13 March 1856, para. 9.

45. In conclusion, we have to express our entire satisfaction at the liberal and enlightened spirit in which this important subject has been discussed, and at the lucid and able manner in which your conclusions and recommendations have been placed before us in your Minutes of Consultation of the 14th August 1855. As you will now be in possession of our general sanction to the expenditure involved in the execution of this great measure, and of our view of the principles on which it should be conducted, we have only to state, in full concurrence with the sentiments recorded by your Government, that we should "deeply regret if any further delay were permitted to intervene in entering on a work which has been accomplished, or is in course of execution in all the other divisions of the British Indian Empire, which is universally admitted to be urgently required" in the Madras Presidency, "and which is, indeed, absolutely necessary wherever a land-tax constitutes the chief part of the public revenue, because it affords the only sound data for judging of the value of the land."

Para. 43.

We are, &c.
(signed) *W. H. Sykes,*
R. D. Mangles,
&c. &c.

London, 17 December 1856.

LETTER from Court of Directors to Government of *Fort St. George.*

Public Works Department, 2 July (No. 8) 1856.

Our Governor in Council at *Fort St. George.*

Para. 1. THE letters and paragraphs referred to in the margin, report your further proceedings in connexion with the Godavery and Kistna Annicuts, up to February 1855, since which date no information on the subject appears to have been transmitted to us. We should wish to be informed of the reason of this omission.

Letter dated 24 April (No. 25) 1854.
Ditto 13 Dec. (No. 77) 1854.
Ditto 15 Dec. (No. 80) 1854.
Ditto 24 Mar. (No. 15) 1855, paras. 15 to 18.

2. It would appear that the sum sanctioned for the Godavery Annicut and its subsidiary works (21,50,000 rupees) has already been exceeded, but to what precise

Godavery Annicut.

Letter from Court of Directors to Government of Fort St. George, 2 July 1856.

precise extent is not stated, the estimates which have from time to time been sanctioned for particular portions, as the undertaking advanced, being scattered over your proceedings, and nowhere brought together in a comprehensive view. We shall accordingly await the receipt of the full report on the whole subject of this annicut, which the Board of Revenue was required to furnish by your Minutes of Consultation of the 17th June 1854.

3. We think that the refusal of the late Governor in Council to entertain the project submitted to him for continuing the channel of irrigation and navigation which leads from that portion of the Godavery Annicut which had been completed to Samulcottah, by extending it northwards from Samulcottah to Toonee, on the borders of the Rajamundry and Vizagapatam districts, at an estimated cost of 2,34,304 rupees, was justifiable, on the ground that the proprietors, through whose lands the channel was proposed to be carried, would have reaped the immediate profits arising from the expenditure of so large a sum of money, and that there would have been left to Government the irksome task of recovering from those proprietors a fair compensation for the labour and capital so expended.

4. In that instance, as well as in all similar cases, projects of this description should be carefully considered after full communication with the landholders, whether zemindars paying a fixed perpetual jumma (peshcush) or on tenures still more favourable, such as those of persons holding their lands, either at quit-rents or altogether rent free. It was indeed observed by the late chief engineer Colonel A. T. Cotton, the projector of the great works on the Godavery River, that the Government retained in its hands the power of withholding water from all parties who refused to pay an equitable rent or rate for its use, and that, therefore, the demand for an equitable rent on that account, could not be viewed in the light of increased taxation, as it was quite optional for the parties interested to make a choice between the cost and the profits arising from the employment of the canal water in irrigating their crops.

5. But we must observe, that Colonel Cotton has availed himself of every opportunity to impress upon your government the absolute necessity of clearly defining, by a careful survey and valuation, the lands which have reverted to Government by the insolvency of zemindars, both of the ancient or modern classes, as a necessary preliminary to the introduction of a satisfactory rate for a regulated supply of water, independently, however, of either the quality of the soil or the crops annually or periodically grown.

6. With regard to the question as to the terms on which "private individuals are to be allowed to partake in the advantage of public improvements," we notice that in Rajahmundry an arrangement was in the first instance authorised, under which a teerwajastee was provisionally imposed at the rate of one rupee per pootee on all wet lands receiving additional water, and of two rupees per pootee on dry lands converted into wet, the Commissioner and Collector being of opinion that "the moderate assertion and admission of the principle having been thus established, sufficient had been done in the first instance in overcoming a difficulty which promised to provoke much resistance and opposition." A pootee in Rajahmundry being understood to be about eight acres, we are inclined to concur with you in thinking this rate inadequate, and that its imposition in the first instance may tend to throw great difficulties hereafter in the way of settling a rate of assessment which shall be liberal "to the cultivator," and at the same time, "just to the Government." We desire to be informed of the result of the instructions which you addressed to the Commissioner on this subject, under date the 5th November 1853.

7. We observe with satisfaction the statement in Mr. Walter Elliot's report on the revenue administrations of the Northern Circars, for Fusly 1262, dated the 28th August 1854, that measures had "been taken for the systematic application of an irrigation tax on lands, both on full and favourable assessment, which would come into operation from the commencement of Fusly 1264 (1854–55)," and that you had called for a special report on the measures there alluded to, remarking, that the question was one of great and obvious importance, and that its early settlement was essential.

8. With

8. With reference to this subject, we would call your particular attention to the interesting and instructive report prepared under our orders by Major Baird Smith, of the Bengal Engineers, on the irrigation of Northern Italy, printed in 1852, which shows in the most convincing manner the importance of an early definition of all local rights in the lands, independently of the right of Government to demand a proper remuneration for the irrigation of their fields. Letter from Court of Directors to Government of Fort St. George, 2 July 1856.

9. We observe, with much satisfaction, that the Kistna Annicut received no damage from the extraordinary floods which occurred in July 1853, and that the river in the following season was so unusually low as to offer great and unexpected facilities for carrying on the works in progress. The annicut in its present state (September 1854) is represented to "exceed in dimensions any work of the kind previously constructed in the same relative circumstances," and its condition is stated to be very satisfactory. The amount expended on it up to the end of June 1854 was 5,69,867 rupees, leaving a balance out of the sanctioned estimate of 1,96,674 rupees; but as some change in the original plan of construction was in contemplation, it appears probable that the estimate will be to some extent exceeded. Kistna Annicut.

10. We entirely approve your instructions to the Commissioner in the Northern Circars, in regard to the prompt settlement of all claims to compensation on the part of mauniemdars, whose lands have been occupied for public purposes during the progress of the annicut works.

11. We approve the manner in which the instructions contained in our despatch of the 28th June (No. 15) 1854, have been carried out, as reported in your letter of the 15th December (No. 80) 1854.

12. You will perceive by our despatch, dated the 27th May last (No. 6), para. 29, that we took advantage of the opportunity afforded by the reports of some proceedings connected with the Godavery and Kistna Annicuts, to convey to you our authority to undertake such subsidiary works as are the necessary development of these important undertakings, without first obtaining the sanction of the Government of India for the requisite expenditure, all cases in which you shall see reason to exercise this authority being immediately reported to that Government and to us.

We are, &c.
(signed) *W. H. Sykes*,
R. D. Mangles,
&c. &c.

London, 2 July 1856.

(True copies.)

East India House, May 1857.

J. S. Mill,
Examiner of India Correspondence.

EAST INDIA. (MADRAS PRESIDENCY, &c.)

PAPERS relating to the Revised Survey and Assessment of the Madras Presidency, and on the Godavery and Kistna Annicuts.

(*Mr. Seymour.*)

Ordered, by The House of Commons, *to be Printed,*
22 *May* 1857.

51—Sess. 2.

Under 4 *oz.*

EAST INDIA.

(BENGAL—MEMORIAL OF MISSIONARIES.)

RETURN to an Order of the Honourable The House of Commons, dated 19 May 1857;—*for*,

A COPY "of the MINUTE recorded by the Lieutenant-governor of *Bengal*; of the MINUTES recorded by the several Members of Council of the Supreme Government of *India*; of the LETTER written by the Secretary to the Government of *India* to the Secretary to the Government of *Bengal*; and of the LETTER from the Court of Directors of the East India Company to the Governor-general of *India* in Council; respecting the MEMORIAL of certain MISSIONARIES residing in or near *Calcutta*, dated the 2d day of September 1856."

India Board,
19 May 1857.

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MINUTE by the Honourable Mr. *Halliday*.

18 September 1856.

THIS is a Memorial which has been submitted to me by certain Christian missionaries concerning the state of the provinces subject to the Government of Bengal, with a request that I will lay it before the Right Honourable the Governor-general in Council.

Memorial from certain Christian Missionaries, on the state of the rural population.

2. It will be seen that the Memorialists declare their belief that "in many districts neither life nor property is secure, that gang robberies of the most daring character are perpetrated annually in great numbers, with impunity, and that there are constant scenes of violence in contentions respecting disputed boundaries between the owners of landed estates."

3. The Memorialists ascribe these evils to "the inefficiency of the police, and the judicial system;" regarding the former of which they inveigh against the village chowkeydars and the stipendiary thannah police as corrupt, oppressive, and incompetent.

4. The working of the zemindaree system isconsidered by the Memorialists as one of the most active causes of evil. It encourages, they say, the concealment, and consequently the commission, of crime. It impedes the administration of justice; and, whilst it emboldens the rich to set the law at defiance, it leads the poor to despair of obtaining redress even against the greatest wrong that may be inflicted on them. "It tends," the Memorialists add, "to demoralise and pauperise the peasantry, and to reduce this fair and fertile land to a condition similar to that under which Ireland suffered so grievously and so long."

5. From all this it has resulted, in the judgment of the Memorialists, that the rural population of Bengal commonly live in a state of poverty and wretchedness, produced chiefly by the present system of landed tenures, and the extortion of the zemindars, aggravated by the inefficiency and the cruelties of the peace officers, who are paid by the chowkedarry tax, or by the Government.

6. And besides the causes above assigned, the Memorialists attribute much of the lawlessness of which they complain, to "the want of a complete survey of the estates of the country, of a Registration Act to settle titles, and of laws to obviate the infinite mischief of the universal system of secret trusts," from which wants arise constant conflict and violence, and the tenant is reduced, not merely to beggary, but also in many cases to a state of the most abject and pitiable servitude.

7. In effect, the Memorialists declare the social condition of the people of Bengal to be "deplorable in the extreme," and affirm that a spirit of sullen discontent prevails among the rural population, from an impression that the Government is indifferent to their sufferings, that the discontent is daily increasing, and that a bitter feeling of hatred towards their rulers is being engendered in their minds.

8. This being, in the opinion of the Memorialists, the actual state of things, they go on to express their earnest desire that a Commission may be appointed, consisting of men of independent minds, unbiassed by official or local prejudices, to institute a searching inquiry into all the causes that now affect the condition of the population, and "especially the following eight subjects:"

1st. "The state of the police and the judicial system."

2d. "The powers and influence of the zemindars and planters, and how those powers are used."

3d. "The resources and earnings of the labouring classes, and the proportion which these bear to the rent that they are compelled to pay."

4th. "The harassing exactions and oppressions to which the poor are subject."

5th. "The landed tenures."

6th. "The extension of the Government sales of ardent spirits and intoxicating drugs, among a people once celebrated for temperance."*

7th. "The actual extent to which education is provided for the masses;" and,

8th. "The best means of alleviating the sufferings, and elevating the condition, of the people."

9. Notwithstanding the authority which cannot but attach to the respected names appended to this memorial, and notwithstanding the estimation with which the motives and purposes of these excellent and useful missionaries must certainly be regarded, it is impossible for any one who has had the large and frequent opportunities which I have enjoyed of acquainting myself by personal intercourse with all classes, Native and European, in and out of the service, and thereby acquiring a knowledge of the real state of things, to admit, as a correct representation of facts, the picture which is drawn in this Memorial of the general condition of the rural population of Bengal.

10. It is a picture, founded doubtless on some isolated facts, which have occasionally come to the knowledge of missionaries in the mofussil, and it also represents some circumstances which might, and no doubt sometimes, do happen in the present state, not only of the law, which admits of speedy alteration, but also of national morals, education, and public opinion, which cannot be speedily amended by the Government, but must await the comparatively slow advance of general civilisation and improvement. But it is not, in my judgment, by any means an accurate representation of the state of the actual relations between landlord

* The Memorialists do not seem to be aware that there is no such thing as a Government sale of ardent spirits and intoxicating drugs. The Government largely taxes the sale of such articles, with a view to discourage it. The Government sells nothing of the kind except opium, which is a small matter, subsidiary to the general monopoly, and evidently not the article to which the Memorialists allude.

landlord (or planter) and tenant, and of the condition of the rural population over the most part of the territory to which it purports to apply; and, above all, I must take leave to express my absolute dissent from the statement made, doubtless in perfect good faith, that the people exhibit a spirit of sullen discontent on account of the miseries ascribed to them, and that there exists among them that bitter hatred to the Government which has filled the Memorialists, as they declare, "with alarm as well as sorrow."

11. Great stress is laid by the Memorialists on the inefficient condition of the police, and the defects of the judicial system. They call, first and foremost, for inquiry into these, in preference to all other subjects of investigation, and they designate them, and with perfect truth, the radical cause of the social evils of which I am far from denying the existence, though I am not disposed to look upon them as so dark and deplorable as they appear in the painting of the Memorialists. But why appoint a commission to inquire into such matters as those? They have been inquired into repeatedly, and their defects thoroughly examined and exposed. Measures for the improvement of both the police and the judicial system are now, as is well known, under the consideration of the Executive Government, and likely soon to be presented to the Legislature. The time present is, as regards those things, not the time for investigation but for action, and anything that is likely to delay action on those points will impede the very consummation which the Memorialists so greatly desire. Nothing would so surely, or so long, delay the completion of the necessary improvements in the police and in the judicial system, as a commission for a new inquiry into those subjects, and, on that ground alone, further inquiry is to be deprecated.

12. But it is certain, no less from the statements of the Memorialists themselves than from the obvious nature of the case, that reform in these two important points will go a great way towards removing the evils which undoubtedly affect the condition of the rural population. This is a country in which, owing to imperfect civilisation, scanty knowledge, and a low standard of morality, to habits of selfish domination in one part of the population, and of slavish submission in another part, might is at all times very apt to be made right. It is a country, therefore, in which the poor will greatly need, for their protection against the rich, a strong and incorrupt police, and a pure, simple, and accessible judicial system. As soon as the police is put on as reasonably sound a footing as the condition of the country allows, and as soon as the judicial system has been simplified, cheapened, and rendered easily accessible, the greater part will have been done of all that a Government can at present do in this country, towards the protection of its poorer against its richer subjects; and when the law of landlord and tenant is amended, a subject on which I have been recently occupied in inquiry, and regarding which a project of law will shortly be placed before the Legislative Council, I know not what more will remain in the way of legislative improvement to meet the fullest wishes of the Memorialists, and of all who, like the Memorialists, are benevolently intent on raising and bettering the material condition of the Bengal agriculturalist.

13. That the Government is actually engaged in measures for this purpose is notorious. They may perform the duty well or ill; as fast as can be expected, or with unreasonable delay; whatever be the case, no one can say that the Memorialists, and others having the same good purposes as the Memorialists, ought not to assist by information and suggestions, and to stimulate and quicken by earnest appeal and exhortation. On the contrary, all they can do in these ways must be useful, and can seldom fail to be acceptable. At all events, it must tend to improve the forthcoming measures, and to accelerate their completion. And when they shall have been completed, with the aid of all well-informed and public-spirited persons like the Memorialists, we shall, I hope, have done all that present circumstances place within our power towards giving to the ryot a just and fair rule of conduct for the mutual relations between himself and the zemindar; a police capable of protecting him against violence and aggression; and a judicial system suited to his position, his wants, and his means, and available, without unreasonable delays and impediments, to afford him redress against his most powerful oppressors. But, to appoint a commission to inquire into these matters is certainly not the way to hasten the accomplishment of the business in hand, but to retard it.

14. It must be obvious, I think, that while some of the questions on which the Memorialists propose to employ Commissioners of Inquiry, are such as require at present no investigation, others are such as no investigation would be likely to bring to a profitable or satisfactory termination. Upon "the state of the police and judicial system," inquiry has been pushed to a sufficient extent; and action, the consequence of inquiry, is what is now most urgently called for. Upon "the actual extent to which education is now provided for the masses," no inquiry could give fuller information than has resulted from the investigations of Mr. Adam; in consequence of which, it has been provided, in the educational measures dictated by the Home Government, and only just coming into operation here, that the education of the masses in the vernacular shall be a large and important part of the care, and the expenditure, of Government. In this, as in the previous subject named by the Memorialists, investigation seems to have been suggested just when the time for investigation has passed away, and when it would be more to the purpose to assist and accelerate the measures actually in progress, than to impede them by proposals for inquiry. And what sound practical purposes could possibly be served, in the present state of the case, by sending commissioners to open up such subjects of investigation as "the powers and influence of the zemindars and planters, and how those powers are used," or the resources and earnings of the labouring classes, and the proportions which these bear to the rent that they are compelled to pay; or, again, "the harassing exactions and oppressions to which the poor are subject?" The great matter in hand for the classes affected by these questions, is to have a good police, a good law of landlord and tenant, and a good judicial system; and when these are secured, the rest (so far as the state of morals and civilisation permit) will follow of itself. And for morals and civilisation we can but look to the results of education, now well known to be in active prosecution by Government, and to the exertions of the Memorialists, and the other similar public benefactors.

15. Of the other subjects of inquiry proposed by the Memorialists, one, that relating to the Excise revenue, seems, as I have said, to have been suggested under a mistaken view of facts. There are no such things as "Government sales" of "ardent spirits and intoxicating drugs;" and it is not possible that the taxing heavily of a given commodity should increase* its consumption, except by encouraging smuggling, which is not the statement made, or in fact the thing aimed at, by the Memorialists. The other two subjects of inquiry are the "landed tenures," and "the best means of alleviating the sufferings and elevating the condition of the people;" of which the first, however interesting, seems to me to have but a remote bearing on the matter in hand; and the other is a profound and extensive question, the solution of which is not more desirable in India than in any other country, but which has in no country been sought, and in none surely is likely to be attained, by the labours of any commissioners who could possibly be selected for the purpose.

16. Lastly, I should apprehend that even if it were thought proper to enter upon these delicate, intricate, and extensive investigations, it would be a matter of extreme difficulty to select such an agency as should fulfil the conditions imposed by the Memorialists, and at the same time be satisfactory to the various classes liable to be affected by their Report, or to the Government which would have to act upon it hereafter. The commissioners are to be "men of independent minds, unbiassed by official or local prejudices." There must, therefore, be no Government officers on the commission; no zemindars, or the agents of zemindars; no indigo planters; and no merchants who are of one

* The Board of Revenue, in a recent letter to Government, have written on this subject in the following terms:—"To whatever causes the increase of the consumption of intoxicating liquors in this country (a fact which is universally admitted) is attributable, the Board unhesitatingly deny that the imposition of a tax upon the community can have anything to do with it. They quite agree with Mr. Atherton, that, far from fostering or encouraging, in the slightest degree, a habit so pernicious to the health, and injurious to the welfare of its subjects, it should be the duty of every wise Government, by all just means, to suppress it; but they believe that prohibitory legislation on such a subject would be ineffectual, and that all that the Government can do, is to impose as heavy a tax on spirits as is practicable, without leading to illicit manufacture."

one mind and one interest with indigo planters. There can be no missionaries employed in the inquiry, with any chance of giving satisfaction to indigo planters or zemindars; and, in short, every one seems to be excluded who has knowledge of the language and the country, or experience of the people. From the inquiries of commissioners destitute of these important qualifications, not even the Memorialists themselves could, I suppose, anticipate any happy results.

17. In forwarding therefore this Memorial, in order to its being laid before the Right Honourable the Governor-general in Council, I am unable to support its prayer with any favourable recommendation. On the contrary, I would earnestly deprecate the appointment of a Commission of Inquiry such as the Memorialists seek for, as unnecessary for the object they have in view, and likely to prove, if attempted, tedious, expensive, and unsatisfactory, possibly dangerous, and certainly mischievous; as raising, among a credulous and ignorant population, expectations which it could never fulfil; and obstructive to the cause of sound and safe reform, by evoking, and setting in open and clamorous hostility to each other, all kinds of class and professional interests and opinions; and, by postponing to the distant close of a difficult and intricate, and possibly stormy and tumultuous investigation, important measures of improvement, which, when matured, may fairly be expected to remove most of the evils of which there is now reason to complain, and which are known to be either now in actual preparation, or are about soon to be brought forward for consideration.

Fred. Jas. Halliday.

MINUTE by the Right Honourable the Governor-General.

6 October 1856.

Memorial of Missionaries on the condition of the population of Bengal.

I HAVE read the Memorial upon the social condition of the people of Bengal, addressed by the missionaries of the Calcutta Conference to his Honour the Lieutenant-governor of Bengal, with the attention which is due to the importance of the subjects which it treats, and to the excellent and earnest men who are the authors of it. I have also read the minute which the Lieutenant-governor has recorded upon that Memorial, and in which I generally concur.

His Honour has since communicated to the Government of India a petition from the Committee of the British Indian Association, to the same effect as the Memorial.

The Memorialists, after drawing a painful and lamentable picture of the condition of the rural population of Bengal, of the violence, injustice, and oppression to which they are exposed, and of the sullen discontent, and even hatred towards their rulers, which has been engendered in them, express a desire that a commission may be appointed to inquire into the causes of this state of things.

They ask that such commission shall consist of men of independent minds, unbiassed by official or local prejudices.

I cannot adduce, in support of my opinions upon this subject, the experience derived from personal intercourse with the natives, and from frequent opportunities of observation, spread over many years, which has enabled the Lieutenant-governor of Bengal to speak upon it with such high authority; but I can say with perfect sincerity, that, after availing myself to the best of my power of such information and testimony as is within my reach, I am led to the conclusion that the statement of the Memorialists, if it is intended to be a general representation of the prevailing condition of the people of Bengal, is greatly overcharged.

Nevertheless, I am as thoroughly convinced as the Memorialists themselves can be, that the condition of the people of Bengal cries out loudly for amendment, and that this amendment is in a great degree in the hands of the Government; and the same evidence which has given me this conviction has also satisfied me that nothing more is needed in the way of inquiry on the part of the Government of India, in order to set amendment in motion; that, so far as information is concerned, the Government of India possesses enough to guide it surely and safely to the first great measures of reform in the administration of justice and in the police; and that, to incur delay on the ground that further investigation

investigation of the present palpable deficiencies under these heads is requisite, would be to waste time under false pretensions.

The Memorialists will not, I trust, have long to wait for proof that, in regard to those two means of amelioration, the improvement of the police and of the judicial system, the matter is ripe for action.

So also with respect to the law of landlord and tenant in Bengal, a subject upon which the Lieutenant-governor has already a Bill in preparation.

So also with education. The Memorialists would inquire, through a commission, as to the actual extent to which education is provided for the masses. The impulse given to education, and the system presented for its extension to every class, by the despatch of the Honourable Court of Directors, of the 19th of July 1854, cannot be unknown to the Memorialists. The progress made in the two years that have since elapsed may not be such as to satisfy the aspirations of zealous men, eager for the advancement of true knowledge amongst the benighted people whose spiritual and intellectual enlightenment is the object of their daily care and labours. I do not blame their impatience. That they should watch, and urge, the Government of India in the carrying out of the great work of secular education is not only natural, but desirable; but I deny that there is need of Commissions of Inquiry either to ascertain what has been the result of a system a few months old, or to establish that the necessities and deficiencies which called that system forth still have a real existence. The Memorialists may be sure that the Government of India are thoroughly alive to the fact, that all improvements of police or laws must fail of their full effect, if the ignorance and intellectual deficiency of the people should remain unassisted and unabated; and that the duty which this imposes upon the Government, in regard to the vernacular education of the rural population of Bengal, needs not to be demonstrated by a commission.

If, upon the above-mentioned heads, inquiry by a commission would be useless, and, in so far as it would delay action, worse than useless, upon the other subjects named by the Memorialists it would be actively mischievous. These subjects are, the powers and influence of the zemindars, the use made of these, the earnings of the labouring classes, the rent they pay, the exactions and oppressions which they suffer, and, generally, the best means of alleviating their sufferings, and elevating their condition; in short, the social state of the people in all their relations.

There is also the sale of spirits by the Government; but this, as shown by the Lieutenant-governor of Bengal, has been included under some misapprehension. The Memorialists cite the example of the commission appointed by the Government of Madras for inquiring into the practice of torture; but the cases are in no way parallel. In that instance, the Government inquired into the conduct of its own servants, in respect of one single and distinct allegation against them. The question to be solved was one of simple fact, upon which a clear issue might be expected. No class feelings or jealousies were aroused. There was no room for the raising of conflicting theories and opinions to interfere with a positive and definite result; and, therefore, no likelihood that any of the parties concerned would be disappointed.

With such a commission as has been suggested by the Memorialists, the effect would be the very reverse of all this. A wide and vague field of inquiry, inviting discussion and difference upon such subjects as rent, wages, fixity of tenure, and the relations of poor to rich; class made to testify openly against class; the weaker remanded, when their task is done, to the vindictiveness of the stronger, against which no interposition could effectually protect them; wild and extravagant expectations of immediate advantage raised in the minds of a whole people, only to be disappointed; the examination (if the prayer of the British Indian Association be granted) of the share which the Memorialists themselves have had in causing the social evils which they deplore; and the investigation of these delicate and dangerous questions confided to persons whose responsibility would cease with the inquiry.

These would be some of the conditions inseparable from the commission advocated by the missionaries of the Calcutta Conference. With every sincere respect and admiration for the character of the body from which this Memorial proceeds, and gladly acknowledging the value of the co-operation of its members in some of the highest duties of Government, I cannot think that the advice which they have tendered to the Government of India in this instance is well judged,

judged, or that to adopt it would advance the end at which we all aim, the moral and social improvement of the Indian people.

The first and obvious measures towards social reform in Bengal are those which, as I have already said, the Government is preparing to take. I am not so sanguine as to expect that, when taken, they will prove immediate in their results, or that they will command the approval of all parties; but if there should be anything of error in them, it will not arise from any want of information as to the evils which they are designed to cure.

Canning.

MINUTE by the Honourable *J. A. Dorin.*

10 October 1856.

Memorial of the Calcutta Missionary Body on the condition of the population of Bengal.

I AGREE entirely in the view taken of this Memorial by the Honourable the Lieutenant-governor of Bengal.

There can be little question of the unsatisfactory condition of the rural population of the districts of Bengal Proper; but whether this state of things arises from defects which the Government can remedy, or is engendered by physical causes over which the Government can exercise no control, may be open to very grave doubt.

In respect to such sources of social disorder as would admit of action being taken on them, I believe the Government are in possession of sufficient information to enable them to proceed with reasonable promptitude and decision: upon other heads of inquiry suggested by the reverend missionaries, no information, however extensive, would justify the Government in taking any action whatever.

Nothing, in fact, has surprised me more than to find this demand for a Commission of Inquiry into the condition of the rural population of Bengal, supported by parties whose interests appear to be so diametrically opposed to each other as the Calcutta Missionary Body and the British Indian Association. The Missionary Body, I presume, advocate the wrongs of the poor against the rich. The British Indian Association, on the other hand, comprise the richer classes and landed proprietors, as contradistinguished from the bulk of the poorer population! The former body expatiate on the "poverty and wretchedness produced chiefly by the present system of landed tenures and the extortions of the zemindars," and point to the evils of the "present working of the zemindaree system," while the latter desire to be informed, "whether the social evils of these provinces are to any and what extent caused by the well-intentioned efforts and zeal of professional Christian missionaries;" thus arraying class interests in antagonism to each other, which could be of no possible advantage to any section of the community, and would probably end in proving that both parties are in opposition to some third interest, as obnoxious to both their opinions.

But to what useful result could this tend, or what could it teach the Government in advancement of those projects which they are already anxious to carry out towards the improvement of a very disordered state of social existence? The jarring of class interests will assuredly not assist the progress of social organisation, nor am I altogether sanguine that the amendment of the law, or the improvement of the police, or the still more potent engine of the spread of education, will very materially eradicate the evils of which the Memorialists complained.

I believe those evils to arise in a great degree from the physical structure of the people, and that nature and climate have at least as much to do with them as any defect in the civil administration of the country.

The civil and criminal law is essentially the same in the North-western Provinces as in Bengal, and the state of the police is little better in the Upper Provinces than in the Lower; so that, if the faultiness of the law, or of the police, were the cause of the social evils experienced by one portion of the population, they might be regarded as producing similar results on the other. No one avers that this is the case, or that the condition of the peasantry of the North-western Provinces is so debased as that of Bengal.

And, for one reason, why? because they are men. They are a fine manly race replete with physical courage, who will not submit to be pillaged by every privileged

vileged, or unprivileged, plunderer; men who will stand up for their own rights, and defend their property as soon as they have acquired it. But will a Bengallee do this? Will he lift a finger in defence of either life or property, or is there a particle of physical or moral courage in his composition? I cannot say that I have ever heard of it.

I believe there is not a more timid human being than a Bengallee, on the face of the earth, and we have had only too palpable proof of it on recent occasions. During the unfortunate Sonthal disturbances of last year, it was utterly impossible to persuade a Bengallee villager to make the slightest stand in defence of his life or his property; the mere distant sound of a Sonthal drum was enough to put a whole community to instant flight; and between men, women, and children, there was only this distinction; that, whereas the men could run the fastest, they were only too glad to make their own escape, and leave their homes to be burnt, and their women and children to be slaughtered, with impunity. The Bengallee police were as bad as the villagers, and yet the Sonthals themselves were little better than unarmed savages, utterly unable to withstand any real opposition; who rose, not so much in rebellion against the Government, as in retaliation for supposed wrongs inflicted on them by the extortion of Bengallee mahajuns and money lenders, and who were scattered to the winds the moment a military force was able to act against them.

What can be done for such people as these, who will do nothing for themselves? What Government interference can supply that foundation of moral improvement, that self-reliance, which nature itself seems to have denied? It is almost a law of nature that cowards should be either slaves or tyrants, and I fear this describes but too truly the general condition of the population of this fertile province. It may be that the zemindaree system has failed in practice; yet it was not necessarily a bad system, nor was it founded on unstatesmanlike principles. Its object was to create a substantial intermediate interest in the community, a landed aristocracy, from which the genial flow of social influences might reasonably have been expected; and, if it has failed in producing this effect, the fault is more with the unsuitable materials on which it operated than in the principle of the measure itself. English and Bengallee nature are not alike, and it has not followed that the theory of a system which might be abundantly adapted to the constitution of England was equally applicable to the atmosphere of Bengal. The Memorialists should not blame the system so much as the people; and, in like manner, where they descant, as they do most justly, on the iniquities of the police, they should remember that the police of England is not perfect, and that if the police are expected to protect the people, it is at least equally required that the people shall help the police; and, what is more to the purpose, that the people shall, to a very great extent, have reasonable reliance on themselves.

The crime of dacoity is frightfully prevalent, yet is it possible to suppose it could be so extensive if the people could be persuaded to do anything in their own defence? Dacoits are as little disposed to face danger needlessly as any other class of the community, and vigorous resistance would soon extirpate the system; but where is this found? The very timidity of the people is an inducement to the crime, and yet it cannot be expected that there should be a policeman in every man's house? The extortion of the police is notorious; yet, if men will submit to extortion in silence, how is the remedy to be provided? The omlah of the courts of law are accused of being corrupt; yet, if suitors will favour the corruption, how is justice to be pure? No doubt the police is capable of vast improvement, and a Sikh police has recently been organised for the Sonthal pergunnahs, in despair of finding a Bengallee policeman who was fit to be trusted; yet, unless the people are prepared to make some exertion for themselves, I do not see how a well-ordered police, or an amended code and administration of the law, can effect very much in diminution of social evils.

The Honourable the Lieutenant-governor of Bengal hopes to be able to introduce a more equitable law on the subject of landlord and tenant, and it is quite possible that some existing evils may be eradicated by an amendment of the law on this head; but there are many conditions in these relative positions which the law cannot correct, and which, so far as I know, are incurable by any action of the Government. Nothing that the Government is likely to be able to do can check that tendency to over-population which creates a greater demand for land than there is land to supply, and which consequently has the effect of raising rents

rents to a rate that will barely yield the tenant a decent subsistence. In the North-western Provinces the evil is in a great degree mitigated by the Government extracting some 200,000 of the population for its army, and by the great demand for stalwart men for service, public or private, all over the continent of Hindostan; but in Bengal, who will take a Bengallee for a soldier or a watchman? He will not even make a tolerable emigrant, and I am informed that, amongst the whole of the emigrant coolies from the port of Calcutta, not ten per cent. are from Bengal Proper. The bulk of the emigrants are men from Behar and the North-west, men of bone and muscle, who will at least think and act for themselves, and do good service in whatever part of the world they may be employed.

I do not say all this in order to argue that any amelioration of the social evils which beset the population of Bengal is impossible, but to show that, in my opinion, there are natural and physical difficulties in the way of improvement, the remedy also of which is beyond the reach of any Government, or of any inquiry that could be pushed to the fullest extent desired by the most enthusiastic philanthropist.

That education will gradually effect sensible changes in the moral and physical disposition of the people there is much reason to hope, and that meanwhile the Government will do what they can to improve the civil condition of their subjects, there is every assurance that goodwill and good faith can supply; but still no surprise need be felt if the results of these most earnest endeavours should not fulfil expectations which are more plausible in theory than, I fear, likely for a long series of years to be realised in practice.

J. A. Dorin.

MINUTE by the Honourable *J. P. Grant.*

22 October 1856.

Memorial of the Bengal Missionaries, and of the British Indian Association.

1. I UNDERSTAND the only practical question at present before us, as raised by these Memorials, to be this: should a commission be appointed in Bengal to inquire into the matters proposed by the Memorialists to be inquired into, or any of them? On this question, after giving these papers all the respectful attention which is due to them, I concur with the Lieutenant-governor of Bengal, the Governor-general, and Mr. Dorin.

2. There is much in the Memorial of the Missionaries, in which, I believe, we all fully agree; and there is much, as has been observed, which is overcharged. But nowhere do I find any very distinct reason advanced for the practical measure proposed, namely, the appointment of a Commission of Inquiry. In regard to what we are all agreed upon, no Commission of Inquiry can be necessary, for there is nothing to inquire about. In regard to what is believed to be overcharged, there is still no need of inquiry; for, howmuchsoever an existing evil may be exaggerated, no one denies that so far as it really exists, whatever can be done by a Government to remedy it, ought to be done. All that remains in the Memorial of substantially disputable matter, are the assertion that bitter hatred of their rulers is now in course of being engendered in the minds of the Bengal ryots; and the severe and unqualified charges made by the Memorialists, as a class, against the class of zemindars universally.

3. I do not suppose that many besides the Memorialists share in their belief upon the first point; and if the fact were as they believe, such a commission to prove it, as they propose, would be too dangerous an experiment to try.

4. I do not mean to make light of this belief: I could make light of no belief entertained in a quarter entitled to so much respect, on a question of such importance. I am sure that this assertion would not have been thus formally made on what were not thought strong grounds. But there is a great inconsistency, to my understanding, between this assertion and other assertions made with equal confidence in the same Memorial. The alleged feeling is imputed to the extreme and peculiar social evils to which the ryot of Bengal is said to be subject; and all the evils of which the ryot can be conscious are traced by the Memorialists, if I understand them, to extortions, and tyranny, and general misconduct of the zemindars, and to the immediate consequences

of the zemindaree system, inadequately checked as it is by the police and judicial system provided by the rulers. Now our police is, I dare say, not very much better than it was, but there is no reason to imagine that it is worse. The increase in the pay of police darogahs has done undeniable good, to a certain extent. In other respects our judicial system is vastly better than it was; and the improvement has been all in the direction of the ryot, by bringing justice (though still much too far from him) much nearer to him than it was. Of late years magisterial officers have been largely increased in number, and more dispersed over the country than formerly. Moonsiff's courts, the courts of the ryot, as effective courts of civil justice, may be said to be the creation of the last 30 years; and their improvement in quality, year by year, is unquestioned. Of late, then, the checks provided by the rulers have been vastly improved upon the whole, and, so far as the rulers are concerned, in appearance, as well as in reality, there has been in this generation much to soothe, nothing to irritate, and most certainly nothing to engender the bitter hatred attributed to the ryot. The zemindars, therefore, and the zemindaree system, according to the Memorialists, are the cause of all. To them, the Memorialists allege, are due the alleged social evils, which evils are alleged to be now engendering bitter hatred of their rulers in the breasts of the Bengal ryots of the present day. Now this string of allegations would all be consistent enough, if the zemindaree system were a novelty. But how stands the fact? Be that system good or bad, it is no novelty; it is not even a creation of the British Government. We found the system, and the zemindars themselves, in full force. We have left the zemindars but the shadow of the power they then had; in many respects we have left them not even the shadow of it. For such power as is left them, I can think of no personal interest they can have had then in using it well, that they have not in an equal or greater degree now; and certainly they have more to fear in using it ill now than they had then. How is it, then, that if social evils really exist to such an extreme degree as to embitter the ryot's spirit, and if zemindars and the zemindaree system are the immediate causes of those evils, this bitterness is only now beginning to be engendered, a generation or two after the assumed enemy has been, to say the least, partially bound down? Why did it not begin to arise in the ryot's breast, whilst the zemindar, with no better disposition and many fewer responsibilities, had 20 times his present power for evil?

5. As, in my judgment, all these suppositions, namely, the extreme degree of the evils, their cause and their effect, cannot be true, and one is no more credible than the other, I can see no reason for adopting any. To me they have all much more the appearance of having been entertained as consequences of different theories, than as the results of wary and unprejudiced observation.

6. As to the charges made by the Memorialists against the zemindars as a class, I cannot ascertain what the Memorialists themselves would propose to be done, if the result of an inquiry were to be in accordance with their own views. A Commission of Inquiry could do no practical good, and it could not help doing much real mischief. Every man, to whatever class he belongs, and whatever may be the general character of his class, if he commits acts of extortion or cruelty, should be punished. The law is already adequate for the punishment of such offences, and it will not be less so shortly when the penal code is passed. Whatever can be done in the way of procedure to facilitate the working of the law ought to be done, and will be done forthwith. No Commission of Inquiry would assist such improvements, whilst a Commission of Inquiry that should array class against class, that should fill many of the most influential minds in the country with anger and revenge, and that should set all political elements in heated antagonism with each other, would be an inauspicious commencement of our reforms.

7. If it had not been that the British Indian Association have told us expressly that they had themselves arrived independently at the determination to ask for a similar inquiry, I should have thought their Memorial intended as an indirect answer to their accusers, by way of showing that the zemindars, as a class, do not fear inquiry; but that inquiry cannot be one-sided, and that if one great class is to be dissected, all rival interests and classes (the accusing class included) must be prepared for the same sacrifice. They assign

as

as one and in itself a sufficient reason for their recommendation, that the inquiry may "determine the anxious and never-ending controversies and recriminations between the different classes whose position or property (or both united) may enable them to influence the fate of the rural population." With me, one, and as I think in itself a sufficient reason, for not acceding to the proposed measure, is that I am convinced that it would have exactly the contrary effect.

8. The Memorial of the Missionaries, transcribing and adopting a previous petition to Parliament, mentions the following as evils existing in Bengal, "which it falls properly within the scope of Government to meet and control," and which they say "appear to be on the increase" :—

(1.) Insecurity of life and property in many districts.
(2.) Numerous gang robberies perpetrated annually with impunity.
(3.) Constant scenes of violence, in contentions respecting disputed boundaries between the owners of landed estates.

The Memorialists maintain that the radical cause of these evils is the inefficiency of the police and of the judicial system; that a well-organised police, with a more extensive and more effective judicial system (besides giving the required security to life and property), would do much to check the outrages that arise out of disputes about land; and, moreover, that in order to a cure of this last evil, the cause which leads to disputes about land, namely, the insecurity of title and possession, must be removed by, first, the complete survey of the land; secondly, a system of registration; and thirdly, "laws to obviate the infinite mischief of the universal system of secret trusts."

9. Upon this important head, I beg to record my complete concurrence with the Memorialists, both as to the existence and extent of the evils, and the nature of the remedies.

10. For many years past I have never lost an opportunity of pressing upon the highest authorities the injustice with which Bengal is treated in regard to the expenditure allowed to her for police. This is no question of system; it is purely a money question. Without a very large additional expenditure nothing can be done; with twelve or fifteen lacs a year to give, the money could hardly be misspent. We have reason to believe that the days of this crying evil are numbered. The next great defect of the judicial system is the want of local criminal courts, so scattered as to be accessible to the people. I believe this evil is easily remedied at slight cost. I sketched, a considerable time ago, a scheme for the purpose, in a minute now before the Council. In regard to civil justice, the existing system is very much less objectionable; and it will be improved doubtless by the changes of procedure now under discussion. I have been too often disappointed in India by seeing great and unquestionable improvements within our grasp postponed indefinitely in the search of some model of imaginary perfection, to feel over-sanguine about any Indian reform. But it does look now, thanks to what has been done at home, as if public expectation would not be much longer disappointed, so far as the reform of the Bengal police and district judicial system is concerned.

11. The questions of survey and registration, in which last the question of trusts is involved, are not in so promising a condition; yet the difficulties ought not to be insurmountable, being, as I believe, purely official. If the superior revenue functionaries in Bengal could be induced to consent to learn anything from the North-west, the thing could be done with money.

12. To the above expression of general concurrence with the Memorialists, I have to make any exception only as to the assertion that the evils noticed are increasing. I cannot think that the Memorialists intend to say that life and property are less secure, and that dacoitees are more numerous and more atrocious in character, than was the case before our rule, or 100, or 50, or 20 years ago. Such an opinion could be refuted to demonstration; but I think it very probable that contentions and offences respecting landed property are increasing, and these may have been chiefly in the minds of the Memorialists. The explanation, however, if the fact be so, is easy. The value of landed property is increasing rapidly, and it is therefore becoming daily more worth fighting for.

There are no such contentions and affrays about land at Madras, as are justly complained of by the Memorialists here. But this is not due to a good police and judicial administration, a survey and registration, or the absence of a zemindaree system in the greater part of that Presidency; it is due to the fact, that, in most Madras districts, land is valueless, by reason of the revenue system there in force, the contentions there being when a ryot is forced, not to give up, but to take land. What has happened in Bengal is this: that, by the perpetual limitation of the tribute, by a substantive law which is theoretically just to all connected with the soil, and by the general maintenance of a system of justice and order not intolerably defective, a new subject of property has come into existence, which already infinitely exceeds in value all the other property of the country put together; while no local or other arrangements have been made for the security of that property, such as its peculiar nature requires.

13. This is the extent of the neglect of the several Bengal administrations, from the time of Lord Cornwallis downwards. I do not excuse it. I am, and I have long been, as earnest as the Memorialists for its correction. But, surely, it is not a full and fair view of the social state of the agricultural people of Bengal, which would dwell upon the evils caused by the want of special arrangements for the security of their property in the soil; without noticing the fact that this property itself was the gift of the system impugned, and has grown up in spite of all the defects imputed to it.

J. P. Grant.

MINUTE by the Honourable *B. Peacock.*

26 October 1856.

I CANNOT beneficially add anything to the several minutes which have been recorded. I entirely agree in the opinions which have been expressed that a commission for the purpose specified in the Memorial is not necessary, and that such a commission ought not to be issued.

B. Peacock.

No. 1647.

From *C. Beadon*, Esq., Secretary to the Government of *India*, to *W. Grey*, Esq., Secretary to the Government of *Bengal.*

Sir, Council Chamber, 11 November 1856.

Home Department.

I AM directed by the Governor-general in Council to acknowledge the receipt of your letter, No. 1336, dated the 19th September, forwarding a Memorial from certain reverend Christian Missionaries residing in and near Calcutta, in which it is prayed that the Government will issue a Commission to inquire into the condition of the people of India, and the means of improving it.

2. With this Memorial you have also submitted a minute by the Lieutenant-governor, in which his Honour has recorded his reasons for declining to support the proposal.

3. Your subsequent letter, No. 1368, dated the 27th September, forwards a petition from the Committee of the British Indian Association, requesting that the prayer of the Memorial of the Missionaries may be acceded to.

4. The Governor-general in Council has read and deliberated upon these documents, with the care and attention due to the importance of the subjects they treat of, and to the excellent and earnest men by whom the Memorial has been presented; and he has arrived at the conclusion that the course recommended by the Memorialists, while likely to give rise to very serious evils, would fail to secure, or forward in any degree, the end at which the Government, no less than the Memorialists, aim, namely, the moral and social improvement of the people.

5. I am

5. I am directed, therefore, to request that, with the permission of the Lieutenant-governor, you will inform the reverend Missionaries and the Committee of the British Indian Association that his Lordship in Council, concurring in the views recorded in his Honour's minute, cannot consent to the appointment of a Commission for the purposes indicated in the Memorial.

6. The subject will be reported for the information of the home authorities by the next mail.

I have, &c.
C. Beadon,
Secretary to the Government of India.

JUDICIAL DEPARTMENT.—No. 20, of 1857.

To Our Governor-General of *India* in Council, London, 11 March 1857.

Public Letter, dated 14 November (No. 132), 1856.

Memorial of certain Christian Missionaries, praying for a Commission of Inquiry into the social condition of the rural population of Bengal.

Para. 1. CERTAIN Missionaries belonging to various religious societies, and residing in and near Calcutta, presented a Memorial to the Lieutenant-governor of Bengal, in the month of September last, in which they set forth, in strong terms, the deplorable condition, in its social aspect, of the rural population of Bengal. In their specification of the evils which press most heavily upon the people, the Missionaries advert to the inefficiency of the police and of the judicial system now in operation in the Bengal Presidency; to the prevalence of gang robberies, and affrays respecting disputed boundaries; to the frequency of torture, in order to extort confessions; to the demoralising influences of contentions between landed proprietors, and of the corruption of the police, as tending to pauperise and enslave the peasantry; to the existing zemindaree system (in connexion with the general character both of zemindar and ryot), which "emboldens the rich to set the law at defiance, and leads the poor to despair of obtaining redress;" to the extortions of the zemindars; to the want of a survey of the country; and to the absence of a Registration Act to settle titles; and of laws against secret trusts.

2. The above is a brief summary of the social evils which the Memorialists allege, not only to be in active operation, but which they "regret to declare, appear to be on the increase." They feel themselves "bound to declare that they view with alarm, as well as sorrow, the continuance of the evils which they have so long deplored, and the effects of which are seen in the demoralisation and the sufferings of the people: they believe that measures of relief can with safety be delayed no longer, as, from the information they have acquired, they fear that the discontent of the rural population is daily increasing, and that a bitter feeling of hatred towards their rulers is being engendered in their minds;" and they close their Memorial with the prayer that a Commission may be appointed, consisting of "men of independent minds, unbiassed by official or local prejudices, to institute a searching inquiry into all the causes that now affect the condition of the population; especially into the state of the police and the judicial system, the powers and influence of the zemindars and planters, and how those powers are used; the resources and earnings of the labouring classes, and the proportion which these bear to the rent they are compelled to pay; the harassing exactions and oppressions to which the poor are subject; the landed tenures; the extension of the Government sales of ardent spirits and intoxicating drugs among a people once celebrated for temperance; the actual extent to which education is provided for the masses; and the best means of alleviating the sufferings and elevating the condition of the people."

3. The Memorial of the Missionaries was followed by a petition from the Committee of the British Indian Association, which represents the interests of the landed proprietors of the Lower Provinces of Bengal, supporting the prayer of the Memorialists, "for a searching, patient, and unbiassed inquiry into

the social evils of these provinces; viz., whether they be to any, and what, extent caused by the landed system, the planting interest, the Mahajunee dealings, the Foujdary and Dewanny administration; also, whether to any and what extent by the well intended efforts and zeal of professional Christian Missionaries."

4. In forwarding the Memorial of the Missionaries to the Supreme Government, the Lieutenant-governor of Bengal stated his inability, for the reasons set forth at length in his minute of the 18th September 1856, to support its prayer with any favourable recommendation; and, in this opinion of the Lieutenant-governor, the Governor-general, and the other Members of Council then in Calcutta, have, on the grounds stated in their respective minutes, unanimously expressed their concurrence.

5. The statements and arguments contained in the several minutes to which we have referred, appear to us to dispose satisfactorily of all the allegations and conclusions of the Memorial, in regard to the necessity, or expediency, of appointing such a Commission as that to which the Memorialists point. Without denying that great social evils exist, the minutes show that Government is in possession of full information in regard to them; that measures are under consideration, or in actual progress, for applying remedies to such of them as are remediable by the direct executive, or legislative, action of the Government; while it is shown that the cure of others must of necessity be left to the more tardy progress of national advancement in the scale of civilisation and social improvement. Nothing, indeed, is more striking in the memorial of the excellent men who have applied for the Commission of Inquiry, than the manner in which it leaves altogether unnoticed the measures and exertions of the Government for the alleviation of the evils to which they so pointedly refer.

6. Measures for the reform of the police are now under the consideration of the Government; codes of procedure, to simplify and facilitate the administration of justice, both civil and criminal, are before the Legislative Council; measures specially directed to the suppression of gang robbery have, for some time, been in active operation in those districts of Bengal in which that crime has most extensively prevailed. Of the endeavours of the Government, and its officers, in this direction the Memorialists can scarcely be altogether ignorant. Immediately in connexion with the statement, that the evils to which they advert appear to be on the increase, they allege, "that gang robberies of the most daring character are perpetrated annually, in great numbers, with impunity." The contrary of this is the fact; for, instead of increasing, the number of gang robberies had decreased, in the districts referred to, from 439 in 1851, to 168 in 1854 (the reports for which year are the last we have received in detail), and the decrease was still progressing: the most formidable gang of dacoits had been broken up, and upwards of 200 of their members had been convicted, of whom 180 had been transported for life. The subject of torture by the police, in order to extort confessions, has received the anxious attention of the Government and of the Home Authorities; and the propriety of depriving the police of the power of receiving the confessions of suspected or accused persons is now under your consideration. A Bill for the suppression of affrays and contentions respecting disputed boundaries was before the Legislative Council three years ago, and did not pass into law only because of the difficulties with which the subject was found to be encompassed. It was, however, with reference to this, and to other important points, that, in the year 1854, we addressed to you the remarks noted in the margin * in connexion with

* "The survey being both Mouzalwar and Meehalwar, it appears to us that the determination of boundaries of villages and estates by an inquiry on the spot, and their delineation on the survey maps, must tend greatly to put a stop to those frequent disputes which have often led to serious affrays, attended occasionally with loss of life, as well as to the litigation in the civil courts, to which the want of trustworthy records so often gave rise. Under any circumstances, the existence of these records must greatly facilitate the labours of the judicial authorities before whom boundary questions may be brought for adjudication. The survey will doubtless be found of considerable advantage in the revenue administration of the country; but we attach greater importance to the results which we anticipate from it in the decrease of crime, in the diminution of litigation, in the security of the titles to estates, and in the increased value which it will thereby give to landed property of all descriptions." Despatch, 20th April (No. 12) 1854.

with the survey of the country, the want of which is spoken of by the Memorialists as of a thing which had no existence, but which, at the date of the last report on the subject, had cost the State upwards of 20 lakhs of rupees. The existing relations between landlord and tenant have repeatedly been under the consideration of the Government, and a project of law on the subject is shortly to be laid before the Legislative Council. The registration of titles has been encouraged by a law (Act. XIX. of 1843) which gives a legal preference to registered against unregistered documents; and the Government has only abstained from enforcing such a registration of all transfers and successions in respect of real property as shall give additional security to titles, and put a check to secret trusts, by difficulties which beset the subject, and with which it is not surprising that the Memorialists are not fully acquainted.

7. It needs no commission of inquiry to inform us that the peasantry of Bengal are subjected, by their landlords, to arbitrary and illegal demands, on religious and other occasions, beyond, and independent of, the sums which they pay as rent. The demand and payment are made in a way which does not admit of the interference of the police; but the courts of justice would deal with all such levies of money as extortionate exactions. To the courts, however, the people do not appeal for protection in such cases. They submit to the demands, either because they consider them as having the sanction of prescription, or because, as shown by Mr. Dorin, they are too timid to resist payment. The Memorialists seem not to be aware of the difficulty of forcing protection upon a people beyond the point at which they are prepared to accept it, and to lend their own aid in securing it.

8. The remarks which we have already made upon the catalogue of social evils enumerated by the Memorialists will apply, with one or two exceptions, to the several tangible points of inquiry to which they desire that the attention of the proposed Commission should be directed. The reference to the Government sales of ardent spirits and intoxicating drugs is founded on mistake as to facts; and the only point which remains to be noticed is "the actual extent to which education is provided for the masses."

9. This is not a subject which, at the present moment, demands inquiry at the hands of a special commission. The whole subject has been recently considered in all its bearings. The existing deficiencies have been unreservedly acknowledged; the importance, and the duty, of giving a sound education to the people committed to our charge fully recognised; the principles on which we desire to see that education conducted distinctly enunciated; the machinery for giving effect to it clearly indicated; and measures have recently been organised for carrying out the instructions of our despatch of the 19th July (No. 49) 1854, by means of grants in aid, of which it is open to the Memorialists, as well as to all others who will take their part, conformably with the rules prescribed, in the education of the people, to avail themselves.

10. We observe with great satisfaction that the Lieutenant-governor expresses his "absolute dissent from the statement made, doubtless in perfect good faith, that the people exhibit a spirit of sullen discontent, on account of the miseries ascribed to them; and that there exists among them that bitter hatred to the Government which has filled the Memorialists, as they declare, with alarm as well as sorrow." Much, as already shown, has been done to remedy the evils to which the Memorialists advert, and to inspire confidence in the Government. "Much," as observed by Mr. Grant, "to soothe, nothing to irritate, and most certainly nothing to engender the bitter hatred attributed to the ryot."

11. In the remarks made by the Lieutenant-governor, and by the members of the Supreme Government, with respect to the certain effects of the appointment of such a Commission as that prayed for, in setting class against class, and arraying different interests in antagonism to each other, we fully agree. Indeed, the indications which mark the preliminary steps point, with sufficient clearness, to the effects of such a measure. The Memorialists avowedly "bear their testimony, on behalf of the people," as against the landed proprietors and indigo planters; on the other hand, the petition of the British Indian Association is manifestly an acceptance, by the landed proprietors, of the challenge which they consider

consider to be involved in the Memorial of the Missionaries. The Memorialists, moreover, evidently anticipate that the appointment of a Commission will encourage the tenants to give evidence against their landlords; but the means by which, after the Commission has closed its inquiries, the former are to be protected against the vengeance of the latter, appear not to have engaged their attention.

12. Considering, for the reasons above stated, that such an inquiry as that prayed for is wholly unnecessary; and, adverting to the injurious results to which it is likely to lead; to the check it must impose upon the progress of remedial measures; and to the difficulty of selecting for the duty persons possessing the requisite knowledge of the existing system of administration, and of the character, language, and institutions of the country, whose impartiality would not be impugned by one or other of the classes of which the community is composed, it only remains for us to express our approval of your reply to the prayer of the Memorialists.

We are, your affectionate Friends,

W. H. Sykes.
Ross D. Mangles.
C. Mills.
R. Ellice.
J. W. Hogg.
M. T. Smith.
E. Macnaghten.
J. P. Willoughby.
H. T. Prinsep.
J. Oliphant.
F. Currie.
John Shepherd.
W. B. Bayley.
R. J. H. Vivian.

EAST INDIA.

(BENGAL.—MEMORIAL OF MISSIONARIES.)

A COPY of the MINUTE recorded by the Lieutenant-governor of *Bengal;* of the MINUTES recorded by the several Members of Council of the Supreme Government of *India*; of the LETTER written by the Secretary to the Government of *India* to the Secretary to the Government of *Bengal*; and of the LETTER from the Court of Directors of the East India Company to the Governor-general of *India* in Council, respecting the MEMORIAL of certain MISSIONARIES residing in or near *Calcutta*, dated 2 September 1856.

(*Mr. Seymour.*)

Ordered, by The House of Commons, *to be Printed,*
19 *May* 1857.

43—Sess. 2.

Under 3 *oz.*

EAST INDIA (NAWÁB OF SURAT).

RETURN to Two Orders of the Honourable The House of Commons, dated 16 March and 14 May 1857;—*for*,

(Order, 16 March 1857.)

COPY "of Correspondence between Mir Jafer Ali Khan and the Court of Directors, and between the same and the President of the Board of Control, respecting the Property of the late Nawab of *Surat*."

East India House, March 1857. } JAMES C. MELVILL.

(*Sir Erskine Perry.*)

(Order, 14 May 1857.)

COPY "of the Correspondence between Meer Jaffur Ali Khan and the Court of Directors of the East India Company, and between the same and the Board of Commissioners for the Affairs of India, respecting the Property of the late Nawab of *Surat* (in continuation of the Papers ordered on the 16th day of March)."

(*Mr. Seymour.*)

Ordered, by The House of Commons, *to be Printed*,
14 & 15 *May* 1857.

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East India House,
March 1857.

J. S. Mill,
Examiner of India Correspondence.

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COPY of the CORRESPONDENCE between MEER JAFER ALI KHAN and the COURT OF DIRECTORS, and between the same and the President of the BOARD OF CONTROL, respecting the Property of the late NAWAB of *Surat*.

Correspondence with the Court of Directors.

To Sir *James C. Melvill*, K.C.B., Secretary to the Honourable the Court of Directors of the East India Company.

Sir,

I REQUEST you will do me the favour to lay before the Honourable the Court of Directors this letter, which I have now the honour of addressing to you.

In a letter received by me by the last mail from India, I am given to understand that the private estate of the late Nawab, now under sequestration, is about to be divided amongst the parties declared by the late agent, Mr. Frere, to be entitled to share therein, and that the Government of Bombay is about to issue orders to carry out Mr. Frere's decision without waiting to know the result of an appeal which I am about to make to the British Parliament.

Before leaving Bombay for England in 1853, I repeatedly solicited the authorities in Surat and Bombay, by letters, that no distribution might be made of his late Excellency's estate amongst the persons declared entitled thereto by the Honourable the Governor in Council until the result of my appeal to the authorities in England should be known; and I further begged that, in the event of such distribution being carried out, the Government, in justice to my daughters and myself, would take security from the parties, to whom one-half of his late Excellency's estate was about to be made over, to refund what they might receive, in the event of my succeeding in getting such decision reversed.

And I further pointed out that the Buckshee Meer Kumorodeen and Padshah Begum, were considerably and hopelessly involved in debt, and that whatever was made over to them would be dissipated, or seized by their creditors long before my appeal could be disposed of.

On my arrival in this country, and having ascertained that the Honourable Court of Directors, either from want of will or power, were indisposed to interfere in the decision of the Government of Bombay; and having been advised by Her Majesty's Solicitor-general and other eminent lawyers in this country, that Mr. Frere's decision was erroneous, and ought not to be submitted to, and that my course was to appeal to the Judicial Committee of Her Majesty's Privy Council, I applied to that tribunal for leave to appeal; and on the 30th June 1854, after hearing the argument of my counsel, Her Majesty's judges delivered their judgment, that, as members of the Judicial Committee of Her Majesty's Privy Council, and in the ordinary exercise of their functions, they had no jurisdiction, but intimated that an application to Parliament and the Crown was open to me, and that, if on an application to the Crown, this case should be referred to them for review, their Lordships would readily do their duty in hearing it.

Again, on perusing the long and elaborate judgment delivered by the Judicial Committee of Her Majesty's Privy Council, I felt strengthened in the conviction that injustice had been done to me, and that I ought not to submit to Mr. Frere's judgment until I had appealed to the Crown and (if necessary) to the British Parliament.

Accordingly, on the 10th of July in the same year, I sent in a petition to the Crown, through the Board of Control, with a letter, showing why I should be allowed to appeal to Her Majesty's Privy Council. Copies of that petition and

Correspondence with the Court of Directors.

the letter are already before the Honourable Court. On the 26th August I received an answer, that my case could not be referred to Her Majesty's Privy Council. It was then too late for any reference to Parliament, and therefore I was obliged to remain passive until the meeting of the ensuing Session of 1855.

Having, however, always felt the greatest reluctance to take any step which might be considered hostile towards Government, I did not wish at once to appeal to Parliament if the necessity for doing so could be obviated, and hence it was that (although fully convinced of the justice of my claim to the fullest extent of my claim to the annuity) I consented to the compromise which was proposed in that behalf by Sir Erskine Perry, assented to by the late President of the Board of Control, and affirmed by the Honourable Chairman of the Court of Directors. The history and circumstances of that compromise are well known to the Honourable Court, and I need not here recapitulate them.

I was so sanguine and confident, from the repeated assurances of the present President of the Board of Control and the Chairman of the Honourable Court, that the compromise recommended by Sir Erskine Perry, and assented to by them, would be carried out, that it was with the greatest regret as well as astonishment that I learnt from your letter of the 29th June last, "that the Court could not comply with the request contained in my memorial of the 30th April last. All points relating to the stipend of the late Nawab having been already fully considered and finally disposed of."

It is perfectly known to yourself and the Honourable Court that the memorial thus replied to was sent in by me under an assurance that the prayer of it (which in fact embodied the terms of the compromise to which I have adverted) should be granted; and I may add, that the circumstances under which the compromise was proposed, were such as I should have supposed would have rendered it as much a point of personal honour as of public faith that the stipulation contained in it should, on the Court's and the President's part, be duly carried into effect.

After the repudiation of the pledge thus given, nothing was left for me but to appeal to the British Parliament. Accordingly, on the 17th July last, Sir F. Kelly, in consequence of a notice which he had given in the House of Commons, was to have brought in a Bill for the amendment of the Act 18, of 1848, of the Legislative Council of India; and Sir Erskine Perry has also given notice that early next Session he will move for a Select Committee to inquire into the conduct of Government towards the descendants of the late Nawab of Surat. Sir F. Kelly's motion was postponed on the 17th of July on account of there not being a sufficient number of Members present on that day to form a House. But he perseveres in his intention to bring in his Bill in the next Session for the above-mentioned purpose.

I therefore respectfully request that the Honourable the Court of Directors will issue instructions to the Government of Bombay not to dispose of the property of the late Nawab until the decision of Parliament shall be known. I fully trust that this application will not be denied me, as hitherto I have been assured by the former Chairman of the Court, that no distribution would take place until the case should be finally disposed of in this country; and I humbly trust that the Honourable Court will not inflict more injury on me and my family by refusing this application, as such refusal would render any decision of Parliament in my favour practically null and void.

I have, &c.

24, Maida Hill West,
25 August 1855.

(signed) *Jafeer Alee.*

To Meer Jaffer Alee Khan, 24, Maida-hill West.

Sir, East India House, 20 September 1855.

I HAVE laid before the Court of Directors your letter, dated the 25th ultimo, requesting that the Court will instruct the Government of Bombay not to execute the award of Mr. Frere respecting the rights of inheritance in the private estate

estate of the late Nawaub of Surat, until the result of certain intended applications to Parliament shall have been ascertained; and, in reply, I am directed to inform you, that the Court decline to interfere in the matter.

Correspondence with the Court of Directors.

I am, &c.

(signed) *J. D. Dickinson,*
Deputy Secretary.

To the Honourable Chairman of the Court of Directors of the Honourable East India Company.

Honourable Sir,

1. The President of the Board of Control stated, on Friday evening last, in the House of Commons, that he trusted I would again address myself with respect to the claims of myself and my daughters to the Executive Government of India, as they were disposed to meet those claims with the utmost liberality.

2. I have always been desirous that the case of my daughters and of myself should be settled in the manner suggested by the Right honourable President, both from the desire to stand well in the eyes of the Government under which my family and myself must necessarily pass our lives, and from a sense of the enormous difficulties which oppress a native of India like myself in prosecuting claim, however well founded in justice, against all the powers of Government.

3. As instances of what I say, I may be permitted to remind the Court, that I willingly assented to the proposition made by Sir Erskine Perry to the late President of the Board of Control, and agreed to by the latter, to surrender half the claims of my family for a grant in fee of the remainder, and on the Chairman of the Court of Directors inviting me, in writing, to send in an application to that effect, which he and the President would sanction, I immediately did so; but the compromise was rejected by the Court of Directors.

4. So, again, in the present year, after the unanimous decision by the Committee of the House of Commons in favour of the construction which I and all the legal authorities I had consulted always placed on the treaty of 1800, I showed no disposition whatever to pursue my triumph over the Honourable Court, but yielded at once to the offers of compromise again held out by the President of the Board of Control; and although I felt strong misgivings that, in acceding to the terms which the President and the Chairman of the Court agreed to as the basis of an arrangement, I was not sufficiently insisting on the clear legal and equitable rights of my daughters, I gave my assent for the reasons which I have alleged in paragraph 2.

5. But that compromise, although brought forward under the high authority of the President of the Board of Control, and the Chairman and the Deputy Chairman of the Honourable Court, was also rejected.

6. Under these circumstances I would respectfully submit, that as the Court of Directors evidently take so strong a view of the invalidity of my claims, and as I, of course, after the calm and judicial investigation of a tribunal composed of four of Her Majesty's counsel, and presided over by an eminent statesman, whose previous bias was necessarily in favour of Government, must be more confirmed than ever in the conviction of what my daughters are entitled to in law and justice,—I say I would submit, that the only satisfactory solution which can now be arrived at, would be by a reference of the whole matter to the Judicial Committee of Her Majesty's Privy Council.

7. I need not enforce upon the Honourable Court, that if the true meaning of the treaty of 1800 be, as has been declared by the Select Committee of the House of Commons, there can be no claimants to the stipend secured by it but the immediate family of the late Nawab, that is to say, his two granddaughters and widow; for although a claim has been set up for a share on behalf of the Bukshee and his cousin, the Honourable Court will remember, that in reply to a similar suggestion which was made by Mr. Willoughby, at Bombay, in 1846, the Court of Directors expressed themselves as follows, in their public despatch of 15 March 1848:—

Correspondence with the Court of Directors.

"You have recommended that a pension of 12,000 rupees per annum be granted to the Bukshee, in consideration of his indigence and connexion with the family of the late Nawab. The Bukshee branch of the family possesses a separate provision of 24,000 rupees per annum from Government; having neither been entitled to nor received any support or pecuniary assistance from the Nawab, he has no claim, after the Nawab's death, to anything beyond the share of the private property to which he may be entitled by law."

8. And it is quite clear that the two pensions of 15,000*l.* a year and 2,400*l.* a year, which were granted in 1800 to the Nawab and the Bukshee, and their respective families, were intended for those families only; and I am informed that in no one case has the Government of India ever granted such stipends to the heirs general, that is to say, to the remote collateral relatives of any grantee.

9. Nevertheless, as this claim has been raised in England, and as the Bill which I procured to be brought into Parliament reserved the right of any such heirs to assert their claim in a court of justice, I fully admit the propriety of allowing the Bukshee and his cousin the right of appearing and being heard by counsel, on any reference to the Privy Council.

10. I also need not enlarge to your Honourable Court on the propriety of my being allowed to question, before the Privy Council, the merits of the decision by the Bombay Government on the private property of the late Nawab. That decision turned upon many disputed and involved questions of fact, and on the due application of various principles of law. It is obvious, that such questions could only be properly discussed and decided by the patient and searching investigation which takes place in a court of justice, where both parties are heard by their professional advisers. I am now given to understand that your Honourable Court has always been of opinion, and Sir James Weir Hogg stated publicly in the House of Commons, that this part of the case ought to be referred to the Privy Council, and although the fallacy has been started, that the Bukshee and his cousin have got a vested right in the decision of the Bombay Government, under Act 18 of 1848, your Honourable Court knows well that this is a complete error, and arises from a want of knowledge of the constitution of Indian Government, since no Act of a subordinate Government, nor even of the Supreme Government of India, can be made independent of the executive control of the authorities in England. The Bombay Government, indeed, has acknowledged this most expressly in the present case, for although they arrived at a decision against my claims three years ago, they have forborne to carry it into execution, until I had prosecuted my appeal to the authorities in England.

11. I will merely add, in reference to this subject, the words of Lord Justice Knight Bruce, in delivering the judgment of the Privy Council in my case, and which is a solemn decision that the Lords of the Privy Council have jurisdiction to entertain my appeal, if Her Majesty shall be advised by the Executive Government of India to refer it to their Lordships:—"The petitioner, therefore, will take such course as he may be advised with reference to an application to the Crown, through the Board of Control or otherwise, by possibility, in consequence of such application, if made, the matter may come here again, and their Lordships will readily do their duty in hearing it."

12. Such appeal I have made successively to your Honourable Court, to the Board of Control, to the Privy Council, to Her Most Gracious Majesty, and, lastly, to Parliament, all hitherto in vain, although assured at every step of the proceedings that my claims are unanswerable; and now, as the highest authorities in Parliament, who have successfully opposed my obtaining redress in Parliament, have intimated that the Judicial Committee of the Privy Council is the fit tribunal to hear such a case as mine, I do most earnestly supplicate the Honourable Court to assist me, as one of their subjects and a stranger, to obtain a judicial hearing of my case, and allow the substance of my daughter's claims to be argued on their merits before that august tribunal, without the interposition of any of those forms and technicalities which seem still so strangely to obstruct the administration of British justice.

13. If leave were obtained for me to present my petition to the Privy Council, the case might be set down for hearing at once, and come on in November, by which

which time the parties in India would have full opportunity to instruct their legal advisers in England, and to appear before their Lordships in the Privy Council, if they should be minded to prosecute their claim.

14. And as I have been now for 14 years engaged in this litigation, and as for the three last Sessions of Parliament I have been continually cheered with the notion that my case was approaching a final decision, I trust that the Honourable Court will not think me impertinent if I press for an answer to this application before Parliament prorogues.

I have, &c.
(signed) *Jafur Alee.*

15, Warwick-road West, Paddington,
London, 15 July 1856.

To Meer Jaffur Ali Khan, Bahadoor, 15, Warwick Road.

Sir, East India House, 22 July 1856.

In reply to your letter of the 15th instant, I am commanded by the Court of Directors of the East India Company to acquaint you, that you have not correctly stated the circumstances which have occurred between yourself and the Court on the subject of the claims of your family: neither have you acted upon the intimation of the President of the Board of Commissioners for the Affairs of India, in the House of Commons, that your first step should be to address yourself again to the Executive Government for a reconsideration and settlement of your case, with which that Government is prepared to deal liberally.

As regards, however, the principal object of your letter, that the Court would assist you to obtain a judicial hearing of your case before the Privy Council, I am directed to state that it is not within the province of the Court of Directors to interfere in such a matter, as it rests exclusively with Her Majesty's Government to determine upon the propriety of submitting to judicial investigation the interpretation of a political treaty.

I have, &c.
(signed) *James C. Melvill*, Secretary.

To the Honourable the Court of Directors of the East India Company.

Honourable Sirs,

I regret to learn from Secretary Sir James Melvill's letter to me of the 22d ultimo, that I misunderstood the course which it was desired I should pursue in communicating with your Honourable Court, but in accordance with the instruction conveyed to me, I now beg to submit my case for reconsideration, in order that it may be settled by the Executive Government with the liberality with which I am gratified to learn the Government is prepared to deal with it.

I have already, on former occasions, submitted to your Honourable Court the grounds on which I have deemed the late Nawab's descendants entitled to the annuity paid to him, and I trust I need not now reiterate them, as they have received such minute and prolonged investigation at the hands of the Committee of the House of Commons, who unanimously found the preamble of the Bill promoted by me in Parliament to be proved, thus affirming that by the treaty or agreement of 1800, the East India Company agreed to pay to the Nawab Nusseerooddeen and his heirs, out of the revenues of Surat and its dependencies, in four equal quarterly payments, one lack of rupees annually, which should be considered the first charge payable from the said revenues, with one-fifth of the net monies after certain deductions. That before the consent of the Meer Nusseerooddeen Khan to the said treaty was finally obtained, a representation was made to him by Mr. Duncan, then Governor of Bombay, who negotiated the same as an inducement to sign the said treaty, that the new treaty would give a security for an honourable provision to the Nawab and his family and descendants, from generation to generation, greater than they had ever yet had since the former articles of agreement of 1759, were evidently only of a tem-

Correspondence with the Court of Directors.

porary nature, whereas the Company never failed in a strict adherence to their engagements, and would then become bound in perpetuity to the support of the Nawab and his family; and further that a stipulation for a man and his heirs, meant for ever, or until such heirs become extinct, and such representations were duly reported to the Court of Directors of the East India Company by their said Governor, and by virtue of such treaty the East India Company assumed the whole civil and military Government of Surat, and the revenues thereby conceded, and did still receive the same.

That notwithstanding that the said dignity or office of Nawab may have ceased, the East India Company were bound both by the express terms of their said treaty and the said representations of the meaning thereof, to continue the payment of the said annuity to the heirs of the said Nusseerooddeen, if any there be.

Though your Honourable Court might be unwilling to accept the decision of any Committee of the House of Commons in preference to your own judgment on this case, you will no doubt feel that you have on no occasion had the advantage enjoyed by the Committee, of having all the records bearing on the subject brought before you, and fully discussed by counsel on both sides during a hearing of five days, but I have no doubt your Honourable Court will be prepared to give due weight to the deliberate conclusions at which the Committee arrived, and to the judgment pronounced, after prolonged debate, by the House of Commons itself, by a majority of 213 to 28 in favour of the Bill.

However strong may be my own convictions of the justice of my claims, which has prompted me to incur for many years so much vexation, privation and loss, I would prefer any reasonable adjustment of them by the consideration and favour of your Honourable Court to the continued assertion of them by the course which I have been of late left to pursue; and when I settled and signed with the Secretary of the Board of Control the terms of a compromise whilst the Bill was in the House of Commons, I had hoped that the case would have been brought to a conclusion satisfactory to the Executive Government.

These terms, I venture to think, are so fair and reasonable that I subjoin them for your Honourable Court's mature deliberation.

1st. The pension of 15,000 *l.* a year, to commence from the death of the late Nawab in August 1842, and to continue until the death of the last survivor of Meer Jafur Alee and his daughters.

2d. The arrears to be paid, after deducting the money already paid, to the Nawab's family and dependants.

3d. The pensioners now enjoying emoluments from Government to continue receiving their pension during their lives, and on their death their pension to lapse to Meer Jafur Alee and his daughters.

4th. The private estate question to be referred to the Privy Council, for review and decision.

5th. None of the collateral heirs to participate in the present arrangement with regard to the pension or the arrears.

6th. The annuity, if paid from 1842, would have been paid to Meer Jafur's wife, and at her death to Meer Jafur for his daughters; but as he has been put to great expense in litigation for 14 years past, and has incurred debts on behalf of his daughters, it is agreed that one half of the total arrears shall be paid at once to Meer Jafur, and the other half be vested in trustees for the daughters and their heirs. Meer Jafur and the Secretary for Government in the Judicial Department and the Accountant-general to be trustees.

In urging the adoption of this arrangement by your Honourable Court I may be permitted to remark, that no real ground exists for supposing, that whilst reasonable concessions are made to the immediate family at the late Nawab's, injustice might be done to others.

Unless your Honourable Court recognise the right of the Nawab's heir to the annuity as part of his private estate, his heirs, by Mahomedan law as such, could have no claim to participate in it, but the Government of India has, I believe, invariably held that the heirs of the person with whom such an engagement is made

made are his lineal descendants, in accordance with the explanation of Governor Duncan, above noticed; and if, therefore, the collaterals should even be found ultimately entitled to participate in the other property of the late Nawab, I have never felt any difficulty in maintaining that, according to the true intent and meaning of the articles of agreement, the descendants only of the Nawab were entitled to the pension; but as your Honourable Court does not even acquiesce in this restricted interpretation of the treaty, I presume you would not proceed to a compromise upon a far more extended view of it, which you have repeatedly condemned, and at variance with general usage.

It is right that I should remind your Honourable Court, that on the treaty being made, the collateral relatives of the Nawab being separately provided for, did not remain under his jurisdiction, as part of his family, and at the time of the Nawab's death they were treated as wholly independent, and were sued in the ordinary courts of justice without any privilege, though, being involved in debt and harassed by their creditors, they were, on the recommendation of the Bombay Government, exempted from the jurisdiction of the courts of justice as if they were in the same position as the Nawab's family, who had been so exempt in his lifetime, but this great favour to the collaterals, which was an unexpected boon to them, surely cannot entitle them to any participation in the annuity.

With regard to the proposed payment of the arrears, I can assure your Honourable Court that the large sums I have disbursed in my journeys to England, and in prosecuting my claims, both in India and in this country, and in adjusting the affairs of the Nawab's estate, together with the heavy charges for interest on money necessarily borrowed, both for seven years, whilst no payments were made to us by the Government, and since amount to these arrears, I should personally be a sufferer in favour of my daughters for any small portion of arrears which the Government may think fit to withhold its payment to me under the proposed settlement, and which happily the honourable position of my father will enable me to bear this sacrifice. If any doubt remains of the accuracy of this statement I shall be happy to supply satisfactory information to any gentleman whom you may be pleased to appoint to investigate the subject.

One of the members of your Honourable Court having already expressed his opinion in Parliament that an appeal should have been allowed in the usual course from the orders of the Governor in Council respecting the estate of the Nawab, I need not urge the propriety of whatever steps are necessary being taken to allow us the right of appeal, of which we have been deprived only by a confusion of terms in the Act of the Legislative Council; and as there seems to be so much doubt and difficulty regarding the measure in which this appeal should be allowed, I may suggest, that if no other course can be pursued, it is open to your Honourable Court to direct the Legislative Council of India to pass a short Act to amend the defect in that under consideration.

I have, &c.
(signed) *Jafur Alee.*

15, Warwick-road West, Paddington,
16 August 1856.

To Meer Jaffer Alee Khan, 15, Warwick-road West, Paddington.

Sir, East India House, 20 November 1856.

The Court of Directors have had before them your letter, dated 16 August, soliciting a reconsideration of their decision and proceedings relative to the stipend and property of the late Nawab of Surat; and, in reply, they direct me to state that, having every disposition to receive, in a liberal spirit, any application from you on the subject, they regret that your present proposal is not such as they can accede to.

Correspondence with the Court of Directors.

I am directed to remind you, that the adoption by the Court of the opinion of the Committee of the House of Commons, on which much stress is laid in your letter, would preclude them from making any disposition of the stipend described in the treaty of 1800; would necessitate the suspension of all payments therefrom, and would leave to be determined by judicial tribunals the question of who are the parties entitled to that stipend, as heirs of the Nawab Nussur Oodeen Khan, within the meaning of the said treaty.

The Court of Directors have, after full deliberation, on several occasions recorded their conviction, that all right to the stipend described in the treaty terminated on the death of the last Nawab, Meer Afzul Alle Khan; and they desire it may be understood that any concession which, in deference to the opinions and feelings which have been expressed in other quarters respecting your case, they may be willing to make, is to be regarded only in the light of an increased exercise of the liberality already shown to you and to your family, and in nowise as an abandonment of the position which they have hitherto maintained.

With these preliminary remarks, I am directed to state that the Court will not object to devote (prospectively) the whole of the stipend of 1,50,000 rupees per annum to a life provision for the family and dependants of the late Nawab, in the following manner.

The pensions of the two widows of the late Nawab Mussamut Ameer ool Nissa Begum and Muss^{t} Padsha Begum, to be raised from 14,400 rupees to 20,000 rupees per annum respectively. These pensions, and the allowances already granted to other parties than yourself and your daughters, will be maintained on the conditions already attached to them, but the balance of the sum of 1,50,000 rupees, after providing for the above-mentioned grants, which balance, to render their proposal distinct and definite as to amount, the Court are prepared to fix at 1,00,000 rupees, they will appropriate to yourself and two daughters, being the grand-daughters of the late Nawab, in equal portions, during your lives. This grant to lapse to the Government on the death of the survivor of the three grantees.

In consideration of the expenses which you state that you have incurred by your residence in England, and with a view to assist you in making a further provision for your daughters on the occasion of their marriage, the Court will grant you, in free gift, the sum of two lacs of rupees, or 20,000 *l.* sterling.

The question of the private estate of the late Nawab is a distinct and separate one, that has been adjudicated by the local authorities under a special law, passed out of consideration to your family, and it is not within the province of the Court of Directors to interfere further in the matter.

I have only, in conclusion, to state, that the arrangement now proposed must be considered as a final settlement of the question of the claims of yourself and family.

I have, &c.
(signed) *James C. Melvill,*
Secretary.

To Sir *James Cosmo Melvill*, K. C. B., Secretary to the Court of Directors of the Honourable East India Company.

15, Warwick-road West, Paddington,
3 December 1856.

Sir,

I HAVE the honour to acknowledge the receipt of your letter of the 20th of November 1856, stating "that the Honourable Court will not object to devote prospectively the whole of the stipend of 1,50,000 rupees per annum to a life provision for the family and dependents of the late Nawab, and 1,00,000 rupees thereout to myself and two daughters, being the grand-daughters of the late Nawab, in equal portions during our lives; this grant to lapse to Government on the death of the survivor of the three grantees."

Before giving a final reply to this proposition, I would solicit the favour of being

being informed whether I understand the meaning of the Honourable Court to be, that it will continue the payment of the whole sum of 1,00,000 rupees until the death of the last survivor of the three grantees.

I am most anxious to come to a clear understanding regarding the private property. That question involves several to me most important points, slurs on my lineage and reflections on the legitimacy of my late wife, &c., all of which I am most anxious to have fully investigated before a legal tribunal, the pecuniary interests being comparatively insignificant.

I have always been informed that the Honourable Court stood wholly indifferent between me and my opponent on these questions, and Sir James Weir Hogg was understood to express in the House of Commons the feelings of the Court that these questions ought properly and in justice to be determined by the Privy Council.

I trust it will cause no surprise if I address myself on the private question to the authority with whom it lies to take the pleasure of Her Majesty in Council.

In order to clear up a misconception on this point, I beg, in conclusion, to state, that the Honourable Court have repeated an erroneous statement which has been often made, that the Special Act passed in India, was passed at my request; I protested vigorously against that Act. I suggested an amendment before it was passed, which was unnoticed; and if that amendment had been adopted, an appeal to the Privy Council would have lain as a matter of course.

I have, &c.
(signed) *Jafur Alee.*

To Meer Jaffer Alee Khan, 15, Warwick-road West, Paddington.

Sir, East India House, 23 December 1856.

I HAVE laid before the Court of Directors your letter of the 3d instant, in reply to mine of the 20th November last.

I am desired by the Court to state, in reply, that you have correctly understood the meaning of the Court with respect to the stipend of 1,00,000 rupees per annum, which they are willing to grant in equal portions to yourself and your two daughters. The Court's intentions are, that the whole amount of 1,00,000 rupees should continue to be paid until the death of the last survivor of the three grantees.

With regard to the private property, I am directed to observe, that the power of permitting any further judicial proceedings rests exclusively with Her Majesty, and that the Court have no opinion to express on the subject.

I am directed, in conclusion, to express the expectation of the Court that, having now afforded to you the explanations you solicit, they shall receive from you, without further delay, a final reply.

I am, &c.
(signed) *James C. Melvill,*
Secretary.

(True copies.)

J. S. Mill,
Examiner of India Correspondence.

East India House,
March 1857.

Correspondence with the Board of Control.

Correspondence with the Board of Control.

From Meer Jafur Alee Khan, Bhadoor, Son-in-law of the late Nawab of *Surat*, to the Right Honourable Sir *Charles Wood*, Bart., M. P., President of the Board of Commissioners for the Administration of India.

Sir, 110, Gloucester-place, 10 July 1854.

I HAVE the honour to forward herewith the copy of a petition to Her Majesty in Council, and I beg to submit for your consideration the circumstances under which it is presented, trusting that I may be able to satisfy you that it is a proper case to be referred to the Judicial Committee of the Privy Council.

The late Nawab of Surat, under the treaty entered into by his father with the East India Company, and by the Bombay Regulations No. 2 of 1827, s. 21, was exempt from the ordinary jurisdiction of the local courts, and was at liberty to dispense justice over his relations and servants, but on the death of the Nawab in the year 1842, the Government having been of opinion that the dignity of Nawab ceased, the exemption from the jurisdiction of the local courts ceased also, and in the ordinary course of events the estate of the Nawab, which was within the local jurisdiction of the Zillah Court of Surat, could have been administered by that court, of which the judge could under the Regulations have been empowered to decide in the first instance to whom the residue of the estate the Nawab died possessed of, rightfully belonged, either in conformity with any engagement entered into by the Nawab in his lifetime, or by the right of inheritance.

It being however repugnant to the feelings of natives of India of rank to resort to the ordinary local courts of justice, the family of the late Nawab willingly abstained from any appeal to the Zillah Judge, and they offered no resistance to the officers of Government taking charge of the Nawab's property, feeling confident that whatever course the Government might pursue, it would extend to them the same measure of justice as they would be entitled to obtain in the established legal tribunals, anticipating however that the Government of Bombay would ultimately place them in the same position as other natives of similar rank, for I may remind you that by the Bombay Regulations, No. 29 of 1827, section 5, it is provided as follows :—

Suits against the persons belonging to the first of the classes comprised in the agent's list, being individuals of the very first distinction and influence under the Peishwa's government, on account of their birth, their political importance, or the religious estimation in which they were held, shall be conducted and decided by the agent; reference being had in the most ample degree to the privileges of the defendant by former usage and custom enjoyed, and to other peculiar characteristics of the case, conformable to like usage and custom; and no decree against any such defendant shall be enforced, until the suit and all proceedings thereon shall have been referred to the Governor in Council (to whom also the plaintiff may appeal), who, as a special superior court for the adjustment of such suits, will pass such order thereon as he may deem just and equitable; an appeal to the King in Council being open to either party.

The officers of Government at Bombay finding that they had no right or power to interfere with the Nawab's estate in consequence of his decease, and the operation of the said Regulations, applied to the Legislative Council of India to confer upon them the requisite authority, and accordingly an Act was passed, No. 18 of 1848, which in terms by no means clear empowered the Government in Council at Bombay to act in the administration of the estate of the Nawab, and to make distribution of it amongst his family, and exempted myself and certain other connexions of the late Nawab from the jurisdiction of the ordinary courts.

The Right honourable the Governor in Council in execution of this Act, remitted the administration of the Nawab's estate and the determination of all questions affecting it to the Agent of the Right honourable the Governor of Surat, when I submitted for the consideration of the Agent, a claim to the residue of the

estate

estate of the late Nawab in my own right, under an agreement entered into by him with me, and in right of my daughters who were his only descendants. Other connexions of the Nawab claimed certain shares of his estate under the religious law of the sect of Mahomedans to which it was said the Nawab belonged, and the Agent after a prolonged investigation delivered a written judgment adverse to my claim, but as I believe and am advised, contrary to justice and right. I then appealed to the Right honourable the Governor in Council, but his Lordship was pleased so far to act upon the decision of the Agent as to adjudge the residue of the estate of the late Nawab to be divided in accordance therewith.

I beg, however, to refer you for a more full explanation of the nature of the controversy, to the petition itself, from which you will perceive that the question is one which can only be satisfactorily decided by judges possessing great knowledge of judicial principles and equally great experience in the administration of justice.

Being very much dissatisfied with the judgment of the Right honourable the Governor in Council, against which I am debarred by the Act of the Legislative Council from making any appeal in India, I have come to this country in order to appeal to the proper tribunal here, having been advised by those whom I have consulted, that his Lordship's judgment is erroneous, and contrary to justice and right, and that the Judicial Committee of Her Majesty's Privy Council was the proper tribunal to review his Lordship's judgment: it became necessary to ascertain as a preliminary step whether any petition for that purpose was to be heard by the Judicial Committee, as of course, under the 3d section of the Act of the 3 & 4 Will. 4, c. 41, or whether an express order was required to refer the petition to their Lordships under the 4th section of that statute, and as the Act of the Legislative Council is exceedingly ambiguous in its language, this point was submitted for their Lordships' determination by counsel on my behalf on the 30th of June last, when their Lordships were pleased to deliver a judgment of which I have the honour to forward a copy herewith, deciding that they could only entertain the petition under the 4th section of the statute, by an Order of Her Majesty in Council.

As you will observe, from the petition of appeal, that the questions in dispute in no way affect the Government, but relate solely to the private interests of myself and my daughters, and the other persons claiming shares in the Nawab's estate, I trust you will deem it fitting that they should therewith be submitted to the final determination of that tribunal which Her Majesty's subjects in India are accustomed to regard as the ultimate court of appeal to decide upon the questions affecting their rights or property.

In any ordinary case in India, the judgment of an officer of the standing of the agent by whom the questions have in fact been decided, would have been submitted for review to the Court of Sudder Adawlut, composed of four judges of the highest standing in the public service, and from their decision an appeal would be as of right to Her Majesty in Council, and such would have been the course of procedure in regard to the Nawab's estate if the Special Act had not been passed: and in the case of natives of rank an appeal lies of right from the decision of the Governor in Council to Her Majesty in Council, but from the obscure wording of the Act of the Legislative Council of India, which probably omitted to consider the effect of their Act in this respect, it appears we have been deprived of the right conceded to all other persons, whatever may be their rank or station, in the Presidency of Bombay. Considering, however, the large amount in dispute, and the great intricacy of the questions to be decided, and the difference of opinion that exists on the subject, I would submit that the case is by no means one which ought to be decided by a single judge, but that it is peculiarly fit for the consideration and judgment of the most competent tribunal, and I therefore trust that you will deem it fitting to advise Her Majesty in Council to refer the petition of appeal to the Judicial Committee of the Privy Council under the 4th section of the Act of the 3 & 4 Will. 4, c. 41, for their consideration and advice.

I have, &c.
(signed) *Jafur Alee.*

Correspondence with the Board of Control.

To the Queen's Most Excellent Majesty in Council.

The Humble Petition of Meer Jafur Alee Khan, Bahadoor, of Surat, in the Presidency of Bombay, but now residing at No. 15, Warwick-road West, Paddington, in London; and of Zeeaoon-nissa Larlee Begum and Ruheemoon-nissa Begum, infants, under the age of 14 years, the grand-children of Meer Ufzooloddeen Khan, the late Nawab of Surat, and of Ameroo-nissa Begum, the widow of the said late Nawab, by the said Meer Jafur Alee Khan, their father and next friend,

Showeth as follows:

1. Meer Ufzooloddeen Khan Kumrood Dowleh Heshmut Jung Bahadoor, from the year 1821 until his decease on the 8th of August 1842, enjoyed the dignity and immunities of Nawab of Surat, with the sanction of the British Government in India, under and by virtue of the provisions of certain articles of agreement entered into on the 13th day of May 1800, between the East India Company and Nusseeroddeen Khan, the father of the said Ufzooloddeen Khan, whereby, in consequence of surrendering up to the East India Company, the civil and military government of Surat, it was provided that he should continue exempt from the jurisdiction of the courts of justice, and should be at liberty to dispense justice over his relations or servants.

The late Nawab Meer Ufzooloddeen Khan having only two daughters, Bukhtyjarool-nissa Begum and Nujeebool-nissa Begum, and being without the prospect of male issue, about the year 1830, contemplated marrying his daughters in such wise that his future sons-in-law with their wives, might become his heirs, and accordingly when two of the sons of the King of Delhi were at Surat the Nawab took them into his palace with the intention of marrying them to his daughters and making them the successors of his estate, but on the Nawab despatching his chief minister to the Provisional Governor of Bombay to obtain his sanction to the arrangement, the Government advised him to seek an alliance with another family.

A negotiation was then set on foot for the marriage of the Nawab's daughters with the younger brothers of the late Nawab of Baroda, with the intention of their becoming the successors of his estate, but as the Nawab stipulated for their residing with him at Surat, their elder brother, the Nawab of Baroda, disapproved of the arrangement, and in consequence the negotiation was broken off.

Proposals were then made by Meer Surfarez Ali, the father of your petitioner Meer Jafur Alee, for the alliance of your petitioner Meer Jafur Alee, and his brother the late Meer Ukbur Alee, with the daughters of the Nawab, and a third negotiation was thus commenced which ended in a compact between your said petitioner's father and his Excellency, that your said petitioner and his brother should from the day of the marriage reside with the Nawab in the palace at Surat, and never leave it except with his express consent; and that he should constitute them his heirs and successors.

This agreement having been made the Nawab caused a memorandum of its terms to be drawn up, which he forwarded to your said petitioner's father at Baroda, requiring him and your said petitioner and his brother to affix their seals to it. The following is the Nawab's letter to your said petitioner's father on the occasion:

"In these auspicious days I had the pleasure to receive your favour, dated the 10th of the month of Rujub, 1239 Hijree, forwarded with Beychurdass the Soucar. The subject of my accepting your children into my adoption exuded from your friendly pen has delighted me, most with greatest pleasure the adoption of Meer Ukbur Alee and Meer Jafur Alee has been noticed to my mind. I have included my daughters into your adoption. May the High Almighty render the above children successful. In this matter some points are required indispensably to be arranged, I have therefore given a memorandum of the arrangement in charge of the above Soucar, who is a free agent on your part. You are accordingly to draw an agreement on your part, as well as that of your two sons, bearing the seals and signatures of all the three gentlemen, and forward it to me forthwith so that other worldly ceremonies may take place."

The

The memorandum referred to in the above letter, and delivered to your said petitioner's father, was as follows:—

"That Meer Surfarez Ali Saheb, the son of Syud Moomtaz Ali, the son of Syud Zoolfkar Ali, does hereby declare in writing that his Highness the Nawab of Surat, a descendant of the illustrious Saint Syud Alee Hamdanee, has no male issue, but two daughters, Mts. Nujeebool-nissa Begum and Bukhtyarool-nissa Begum, who it has been settled are to be betrothed to my two sons, Syud Ukbar Alee and Syud Jafur Alee, and the mutual agreement having taken place, I hereby give in writing that the dowry of each of the ladies is to be one lac of rupees. The other engagement is this, that the mutual expenses in the marriage ceremonies are to be equivalent on both sides, suitable to the character of both parties; also, my two sons are to remain as sons-in-law of the house at Surat in the palace with his Highness, and keep the house in a prosperous state. The two sons have no authority to take the two ladies out of the city of Surat. This they will never do. Should a case of urgency require the two sons to take the two ladies or their children to Baroda, they shall not do it without the permission of his Highness for a fixed period of time. In case his Highness proceeds to another climate, the real mothers of the ladies are to act upon the above engagement, and his Highness will make a will in the name of the two sons, regarding the succession and inheritance of the property and maintenance of the survivors, &c. The two sons are to act upon the will, and they will always carry the usage and ceremonies of the House of Hamdanee into execution; and they are never to marry a rival to the ladies above cited.

"Myself and my two sons will never deviate from the above engagement. We, Meer Ukbur Alee and Meer Jafur Alee, do hereby declare that the above engagement is confirmed by us, and we shall not deviate from it."

Your said petitioner and his brother and their father having duly sealed a copy of the paper, enclosed it to the Nawab in a letter from them, which is as follows:—

"In this most happy time, your letter which you wrote with extreme kindness, reached me and filled my heart with joy with regard to what you have mentioned, that you have accepted my sons as your own sons, and requesting me also to accept your daughters as my own daughters. These tidings have given me the greatest pleasure imaginable; I pray to God Almighty that the children of both sides may enjoy the happiness of this world. You had given the draft of an arrangement to Beychurdass Sowkar, which we three are to sign and seal according to your bidding; I send you the memorandum duly sealed and signed by three names. The above-named Sowkar will deliver it to you, and whatever the above-named respected person shall say, you may rely upon as correct, and send me a quick answer; I hope you will always keep me informed of your state of health."

After this, and before leaving Baroda for the marriages, your said petitioner's father, feeling that in binding down his sons to reside always with the Nawab, at Surat, he ought to have some corresponding assurance that his children would inherit the Nawab's wealth, addressed a letter on the subject to Mirza Abdoola Beg, the Minister of his Excellency, and which elicited from him the following reply:—

"It having been brought to my notice from your letter to the address of Mirza Abdoola Beg (my precious friend) that you have a sort of anxiety in your mind as the season of the grand and august festival of the marriages has approached, I write you in clear terms that you should have no anxiety of any kind in your mind, and should not imagine these weddings to be the usual ones, for I adopt your children to be my sons, and appoint them my successors. The ceremonies of the nuptials are to be mutually performed. After the consummation of the marriages your sons shall be mine, and they shall live in my house. Allowing your certainty to this writing of mine, and taking it for a deed of assurance for the future, make preparations for coming to this place along with your sons. Consider this to be a strict injunction, and be peaceful of mind in all respects. Further, my sincere friend Mirza Abdoola Beg's letter to you (on this subject) will explicitly afford you satisfaction."

After the above correspondence the marriages took place, and were celebrated with great pomp and splendour. The amount laid out on the occasion was scarcely

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scarcely less than five lacs of rupees. A military guard was lent to the Nawab. Salutes were fired from the Castle, and the Agent and all the European society of the station attended. The Nawab invited the Governor, Lord Clare, the Members of Council and other distinguished persons from Bombay to be present at the ceremony, which he desired should pass off with all possible eclât.

On the return of your said petitioner's father, Meer Surfaraz Ali, to Baroda, the Nawab, at his request and for his satisfaction, communicated what had occurred to James Williams, Esq., the British Resident at Baroda, in the following letter :—

"In this time, by the Grace of God the marriage of my two daughters has been completed with all propriety. The illustrious sons, Syud Ukbur Ali Khan and Syud Jafur Ali Khan, are incomparable in dignity and ability. I am exceedingly pleased with them, and have appointed them my successors ; I shall request the same of the Honourable British Government, and for the same reason I beg of you to keep this matter in your reflection ; Meer Saheb will mention it to you in detail, and after a few days my confidential friend, Mirza Abdoola Beg, will be sent to wait upon you, agreeably to the request of the Meer Saheb. Written on the 22d of Zilhej, 1249 Hijree, or 2d May 1834."

The Resident acknowledged the letter in the following reply:—"Your kind letter favoured by Meer Surfaraz Ali Saheb, alluding to the succession of Syud Ukbur Ali Khan and Syud Jafur Ali Khan (may they live long) to yourself, having been written, its perusal gave me great pleasure. In this matter I write to you as a friend, that I will use all the endeavours in my power with the Honourable Government in the object above cited. You should think of no omission on my part as a sincere friend. The altercation now impending between the Sirkar of the Guicowar and the Meer Saheb, on account of a misrepresentation made by some person, will soon be cleared off, if it please the Almighty God."

"In the meantime leave has been granted to Syud Ukbur Ali, as requested by you, but permit him to come to Baroda for a few days, when the Meer Saheb will require his presence."

Your said petitioner and his brother, Meer Ukbur Ali, on their marriage, left their father's family and from that time resided with the Nawab at Surat as his sons according to the engagement.

In the year 1839, the wife of Meer Ukbur Ali Khan having died, and the issue of his marriage having predeceased her, he, with the Nawab's permission (though very much against his Excellency's wishes), rejoined his father at Baroda, and continued ever afterwards to remain in his father's family, and thenceforth ceased to be accounted one of the Nawab's adopted sons.

Your said petitioner's wife, Bukhtyarool-nissa Begum, having given birth to a son, who was named Meer Ameeroddin Khan, the Nawab on the 4th February 1841, when the child was about two years' old, took an opportunity, with the consent of your said petitioner and his wife, of assembling all his household, and in their presence placed the child on the musnud and presented the Nawab's jewels of state to him, after which the officers and servants advanced and presented their nuzaranas, or offerings. This proceeding, according to the usages of the natives of India, was a formal recognition, on the part of the Nawab, that the infant was accounted the heir presumptive of his property.

The circumstance was communicated by his Excellency to your said petitioner's father, in a letter dated 12th Zilhej, 1256 Hijree.

"May it be known to you that in this august time on the 11th Zilhej 1256, I seated my son Meer Ameeroddin Khan (may he live long) on my musnud, all the officers of my sirkar gave their presence ; all the materials belonging to the ancient dignity of the Nawabee of my ancestors, such as drums and mahee maratib, and the wearing jewels, &c. of the state, the whole and perfect, I have given to the son above-mentioned, and seated him in my place as desired by his parents. I congratulate you as my brother (on this occasion) ; what more shall I write except my love to you. May the days of your happiness be for ever. Accept compliments from your sister, and best respects from Malikazamanee Begum, and Ameeroddin Khan, and Zeaoon-missa Begum. Dated 12th Zilhej 1256."

Your

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Your said petitioner's son, Ameeroddin Khan, having shortly afterwards died, the Nawab from that time forth regarded your said petitioner, in virtue of his alliance with the Nawab's only surviving child, as the sole successor to his title and dignity, and the fact was well known throughout the household and throughout the city, nor indeed has this fact been at any time disputed.

It was manifest from several documents executed by the Nawab, in which allusion was made to those who were to succeed him, and from the testimony of most respectable persons conversant with the views of the Nawab, and the relation which subsisted between him and your said petitioner, that the Nawab always treated your said petitioner and his wife with the greatest affection, and that he never intended to swerve from his engagement with your said petitioner's father, and that he must have died with the fullest conviction that his private estate at least would pass tranquilly into the hands of his daughter and your said petitioner as his heirs, though he was no doubt well aware that your said petitioner's succession to the office and dignity of Nawab would depend upon the pleasure of the British Government.

Your petitioners further established that by a special custom of the family of the late Nawab, the estates of persons belonging to either branch of the family should be inherited exclusively by that branch to which the deceased might have belonged, and should not be divided with the collateral kindred of another branch.

If, however, any doubt could be entertained of the intentions of the Nawab or of the custom of the family, then your petitioners submit that it being manifest from the political position of the Nawab, that he was independent of any known positive law, the succession to his estate should be determined by the universal principles of natural justice, recognised by the common consent of mankind. By these, your petitioners Zeeaoon-nissa Larlee Begum, and Ruheemoon-nissa Begum, and their late mother, who were the only descendants of the late Nawab at his decease, would be accounted his heirs and the successors of his property, nor has it been suggested throughout the prolonged investigations which have since taken place, that the Nawab at any time regarded any other person as his heirs, or intended any disposition of his property at variance with the natural right of his own descendants.

On the Nawab's death, his property accordingly passed into the hands of your petitioner Meer Jafur Alee and his wife, as of course the right of your said petitioner and his wife were at once recognised by the household and dependents of the late Nawab. All looked to your said petitioner for orders, which they readily obeyed. Your said petitioner superintended the funeral of the deceased, took charge of everything, and remained in possession of the estate undisturbed for some months, granting receipts in his own name for rent and expending it on the family, with much more besides from his private resources, and managing all the affairs as in the deceased's lifetime.

But shortly after the Nawab's decease the Government thought fit to declare that the Nawabship was at an end, and without questioning the authority of the Government to refuse to recognise your said petitioner or his wife, as the successor to the political dignity or privileges of Nawab, your petitioners submit that it is beyond dispute that the Government had no authority or right to determine who should be the owner of the Nawab's private estate, for with regard to that he was always accounted by the Government, and was by right, a free agent to dispose of it as he pleased without the interruption or sanction of the Government.

In the ordinary course of events in accordance with the local laws and regulations of Government, if any one had conceived himself to possess a better right than your petitioner, Meer Jafur Alee, and his wife to the Nawab's property, he would have resorted to the local court of Surat, under whose jurisdiction your petitioners came on the cessation of the Nawabship by the express provisions of the regulations. The local court would then have had to undertake the duty of deciding whether your petitioner, Meer Jafur Alee, and his wife were not entitled to retain possession of the estate which had passed into their hands with the consent of the deceased Nawab, and of which they were the only heirs by the law of nature, confirmed by the written agreement, the letters, the language, and the whole conduct of the Nawab for the last ten years of his

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life, which your petitioners are advised and believe the local courts of justice would have been bound to recognise in the determination of your petitioner's rights.

But the Government of Bombay deemed it expedient to sequester the property of the Nawab, and passing by the propriety of this step your petitioners humbly submit that their rights and interests in relation to the estate of the Nawab could not be affected or prejudiced by it, but that they nevertheless still remained entitled to be regarded on every principle of equity, and of natural justice and right, as the owners of the Nawab's estate.

Your petitioners, however, in accordance with the feeling predominant amongst natives of rank in India, being unwilling to resort to the ordinary courts of justice to assert their rights against the Government, or to compel the administration of the Nawab's estate as they might have done, and the Government of Bombay having no power or authority to interfere with it, the Government of India at length determined to pass a legislative enactment to place the family of the Nawab and his estate under the jurisdiction of the Governor in Council, in accordance with the usage which has long prevailed in India, for your petitioner shew that on the first acquisition of Surat the Governor in Council of Bombay was by the local regulations sanctioned by the authority of Parliament, constituted the Supreme Court of Appeal in Bombay from all decisions in civil and criminal causes pronounced by the local courts of justice, and that subsequently when the jurisdiction was transferred to the Sudder Adawlut of Bombay, composed of one Member of Council and several senior civil servants, the Governor in Council still remained, by an express regulation, the sole court of appeal in India in all causes relating to persons of rank in the Deccan, being that district of the Bombay Presidency where such persons chiefly reside, justice, in the first instance, being administered to them by an agent appointed for that purpose by the Governor in Council. From the decision of the Governor in Council in all these cases, an appeal could be preferred as of right to your Majesty in Council.

On the 26th August 1848 the following Act was passed by the Governor-General of India in Council, Act No. 18 of 1848, "An Act for the administration of the estate of the late Nawab of Surat, and to continue privileges to his family. Whereas it is expedient to provide for the administration of the estate of the late Nawab of Surat, Meer Ufzoolooden Khan Kumrood Dowleh Ushmat Jung Bahadoor. And whereas the exemption from the jurisdiction of the civil and criminal courts enjoyed by the said late Nawab and his relations and servants, by virtue of the treaty concluded between the East India Company and the said late Nawab, on the 13th May 1800, recognised and confirmed by clause 2, section 21, Regulation 2, 1827, and clause 2, section 1; Regulation 11, 1827, of the Bombay code, ceased at the death of the said late Nawab, and it is deemed expedient that some of the said persons should continue to be privileged. It is to be enacted as follows:—

"I. No writ or process shall be sued forth or prosecuted against the persons, goods, or property of the several persons named in the Schedule annexed to this Act, being the widows and family of the said late Nawab, or of any of them, unless with the consent of the Governor of Bombay in Council first obtained, such consent to be signified by the signature of one of the Secretaries to Government; and any writ or process sued forth or prosecuted against the persons, goods, or property of the said several persons, or any of them, without such consent as aforesaid, shall be utterly null and void.

"II. The Governor of Bombay in Council is empowered to act in the administration of the property of whatever nature left by the late Nawab of Surat in regard to the settlement and payment of the debts and claims standing against the estate of the said late Nawab at the time of his death, and to make distribution of the remaining property among his family; and no act of the said Governor of Bombay in Council, in respect to the administration to and distribution of such property from the date of the death of the said late Nawab, shall be liable to be questioned in any court of law or equity.

"III. The limitation of time for bringing suits in the civil courts, provided in Regulation 5, 1827, of the Bombay Code, shall be held in respect to all persons within

within the provisions of clause 2, section 21, of the said Regulation 2, 1827, to begin as to all causes of action arising before the passing of this Act, from the day of the passing of this Act, subject to this provision, that no suit by or against any of the said persons shall be entertained in any civil court on account of any cause of action which arose at the time preceding the death of the said late Nawab by more than the number of years or months severally limited with reference to such cause of action by the said Regulation 5, 1827, as the period within which the suit must be filed after such cause of action arose, or came to the knowledge of the plaintiff, as the case may be.

"IV. Deeds registered under the provision of any Act passed by the Governor-general of India in Council shall not, on the sole ground of priority of registration, invalidate deeds which may be duly registered within six months from the day of the passing of this Act by any persons within the provision of the said clause 2, sect. 21, Regulation 2, 1827, provided that such last-mentioned deeds relate to property conveyed to the owner before the day of the passing of this Act.

"SCHEDULE.

"1. Padshaw Begum - -	- Widow - -		
"2. Ameerol-nissa Begum	- Widow - -		
"3. Meer Jafur Ali - -	- Son-in-law - -		
"4. Zeearool-nissa Begum	- Grand-daughter -	}	of the late Nawab."
"5. Ruhemool-nissa Begum	- Grand-daughter -		
"6. Meer Mooeenooden Khan	- Buckshee - -		
"7. Meer Kumrooden Valud	- Shumsoodeen -		

Under the authority of this Act the Governor of Bombay appointed William Edward Frere, Esq., who was the agent of the Government at Surat, to investigate whatever claims might be preferred to the succession to the estate of the late Nawab, and to make an award and report to the Governor and Council thereon.

Your said petitioner, Meer Jafur Alee's wife, Bukhtyarool-nissa Begum, having in the meantime died, leaving your petitioners, Zeeaoon-nissa Begum, and Ruheenoon-nissa Begum, also named in the Schedule to the said Act, her only issue, who, together with your said petitioner, Meer Jafur Alee, were, by the law and custom of India, her only heirs.

Your petitioner, Meer Jafur Alee, appeared before the said agent, and preferred a claim on behalf of your petitioner's infant daughters, on the grounds hereinbefore stated, to the whole of the estate of which the late Nawab had died possessed, subject to the payment of his debts, your petitioner, Meer Jafur Alee, relinquishing in their favour any claims on his own behalf.

Ameerool-nissa Begum, the widow of the late Nawab and the mother of your said petitioner's late wife, and also mentioned in the Schedule to the said Act, appeared before the said agent by her attorney, and admitted the right of your said petitioner's daughters to the whole of the said estate, but claimed, in the event of the agent deciding against them, to participate in any distribution of the estate which the agent might order to be made amongst the kindred of the late Nawab.

Padshaw Begum, also mentioned in the Schedule to the said Act, appeared before the agent by her attorney, and claimed to be entitled, as his widow, to a share of the estate, according to the law of the Mahommedan sect of Soonee, to which it was alleged the late Nawab belonged.

Meer Mooeenoodeen Khan and Meer Kumrooden Khan, also mentioned in the Schedule to the said Act, appeared before the agent, and claimed to be entitled, as the nearest male kindred of the late Nawab, to a share in the estate, according to the law of the said sect, they alleging themselves to be the male descendants of Syed Methun, the brother of the late Nawab's great-grandfather, Meer Mooeenooden Khan, the first Nawab of Surat of that family.

One Meer Surfooden also appeared before the agent, and claimed, as the heir of Mudina Begum, the sister of the late Nawab's late grandfather, Haffizodden, to be entitled to a share of the estate, according to the Mahommedan law.

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And one Abdool Rehmann, with several others, claimed, as the heirs of Fukroon-nissa Begum, the deceased wife of the late Nawab Haffizooden, certain property, which it was alleged by them had been possessed by him on her death, and had been left by him on his own decease, and had subsequently descended to the late Nawab.

To the whole of these claims your petitioners objected, not only on the grounds hereinbefore stated, but because they proceeded on the erroneous assumption that the administration of the estate of the Nawab must necessarily be governed by the religious law of inheritance of the Mahommedans of the Soonee sect, applied, when no special custom intervened, to the distribution of the estates of private persons of that sect by the native courts of justice; and your petitioner, Meer Jafur Alee, insisted that if the positive engagements of the Nawab were not to be upheld, or the natural rights of your said petitioner's children, as the only issue of the Nawab, were not to be recognised; yet that it was manifest that the Nawabs, though Mahommedans, never adopted the Mahommedan code of inheritance in their family, and that it therefore never attached itself to their property, but, on the contrary, that they maintained and acted upon the principle at variance with the Mahommedan law before stated, that the estates of persons belonging to either branch of the family should be inherited exclusively by that branch to which the deceased might have belonged, and should not be divided with the collateral kindred of the other branch.

Of this conclusive proof was afforded by several transactions in the lifetime of the late Nawab, stamped with the approbation and acknowledgment of the British Government. On one occasion the widow of the late Nawab's father, having obtained possession of a considerable part of the property of which he died possessed, the late Nawabs appealed to the Government to obtain its restoration, when the Government, presided over by the Honourable Mountstuart Elphinstone, who was peculiarly qualified to form a just opinion on the subject, replied:—"It was in a very happy time that I had the pleasure of receiving your letter, and have understood its contents. Whatever is pleasing to your Highness is the source of happiness to us. Your Highness is the sole controller and authority in all your affairs and transactions, and in the inheritance of your family, without consulting others, and there seems no reason for the Government to interfere; but you must consider that the Government always are anxious to meet your Highness's wishes: the agent is therefore instructed, if necessary, to afford you any assistance you require."

About the same time the late Nawab's mother complained to Mr. Romer, the agent of the Government at Surat, that the late Nawab refused to give her the share of her husband's property, to which she would be entitled by Mahomedan law; but Mr. Romer replied:—

"I received your letter in good time. In that you mention something about the displeasure between yourself and his Excellency the Nawab. It should be very clearly and certainly understood by you, that upon this subject, in the same manner as the former order of the Honourable the Governor had been conveyed, directed that the Honourable the Government disapproves of the thought of interference regarding such disputes as may be connected with the family of his Excellency the Nawab, it is impossible to do so; the same order is confirmed and held in force. What more shall I write?"

Finally, in order to avoid contention in the family, the late Nawab proposed to concede to his mother a portion of his father's estate, equal to the share of a widow under the Mahomedan law; but upon the express condition that it should not be construed into a recognition of any right under the Mahomedan law, he required a solemn instrument of renunciation to be drawn up, and signed both by his own family and by the family of the Bukhshee, to which the widow belonged.

Accordingly a deed was prepared, and Meer Sudrooden, the Bukhshee, and Meer Shumsoddeen, the father of the present claimant, Meer Kumroodeen, affixed their seals to it, containing the following clause:—

"As above detailed, the eighth part that has been written out to me by my beloved son the Nawab, is merely in consequence of his regard to my satisfaction . . . . . and

and pleasure, because such division never hath taken place in this family during the five generations past; and henceforth, if any of the relatives claim a share in an estate of a deceased or living person, his claim is to be null and uncognisable. After my brother, Meer Sudrooden Khan Sufdur Jung Bahadoor (the Bukhshee) had consented to these terms, my beloved son agreed to give the eighth part of the division to me; also my brother, Meer Sudrooden Khan Sufdur Jung Bahadoor, has not and shall not have any claim upon my beloved son for a share of an estate of a dead or living person."

But at that very moment, in consequence of intermarriages between the several branches of the Nawab's family, if the Mahomedan law of inheritance had been recognised, the Bukhshee and Meer Shumsoddeen would have been entitled to shares of personal property in the possession of the Nawab which he had derived from deceased members of his family; and at the same time the Nawab's mother would have been entitled to a very large amount for the shares of personal property in the possession of the Bukhshee which he had derived from deceased members of his own branch of the family.

It thus appeared, that in the lifetime of the Nawab, both branches of the family had repudiated the Mahomedan law as the rule of succession, and inasmuch as the estate of the Nawab had never received any acquisition from the property of the several members of the Bukhshee's family, which had been retained by him to a very large amount for his exclusive benefit, it was contrary to the most obvious principles of equity to allow the Bukhshee, after the Nawab's decease, to set up the Mahomedan law, and claim under it a portion of the Nawab's estate.

Whilst in recent times the facts which were within the knowledge of the witnesses produced before the agent clearly established the positive renunciation of the Mahomedan law, it was not shown that on any one occasion, from the time the family of the Nawab first acquired their authority in Surat, the Mahomedan law had been adopted as their rule of succession; no ground, therefore, existed by which the claims adverse to your petitioners were supported rather than the law of the sect of Shea, by which the collateral kindred of the Nawab would have been excluded, and this estate would have vested in your petitioner's wife alone.

Your petitioner, Meer Jafur Allee, further objected to the claim of Padshah Begum, that she had been divorced by the late Nawab, whereby she was disentitled, even by the Mahomedan law, to any share in the estate. It was clearly proved by the testimony of the Nawab's household, that several years before his decease he divorced Padshah Begum from him, and removed her from his palace, and, in accordance with the usage and practice in India of persons of high rank, he placed her in a separate establishment, with an allowance of 30 rupees a month, and of dry food from the palace, and 150 rupees a year for clothing, until 1833, when the last item was stopped; that from the time of the divorce until the Nawab's decease, he had no intercourse with her, and that she was not admitted to see him in his last moments; and so generally was it understood that her relations with the Nawab had ceased, that when the ladies of rank at court paid visits of ceremony at the palace, on the Nawab's decease, to condole with his widow and family, this mark of respect was not paid to Padshah Begum, nor was she put forward as the Nawab's widow until she united with the Bukhshee in opposition to your petitioners. Your said petitioner, Meer Jafur Allee, further objected to the claims of Meer Moeenoodeen Khan and Kumrooden Khan, that they never constituted a part of the Nawab's family in his lifetime, and that they were not the legitimate male kindred of the late Nawab.

Your said petitioner objected to the late Meer Shurfodeen, that even by the Mahomedan law he could not be entitled to any share of the estate, and to the claim of Abdool Rehman, that they were not interested in the division of the residue of the estate, but could only be creditors thereon if their claims were admitted, which, however, for several sufficient reasons, your petitioners submitted ought to be wholly disallowed.

All the several claimants were British subjects residing in and near Surat, within the territories subject to the government of the East India Company,

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and, with the exception of your said petitioner, Meer Jafur Allee, and his daughters and mother-in-law and Padshah Begum, had, previously to the passing of the said Act, been subject in all matters to the ordinary jurisdiction of the court of justice.

The agent of the Government investigated such several claims in a judicial manner, and after hearing such evidence as was adduced before him, and the arguments on behalf of your petitioners and the other claimants respectively, on the 8th of August 1852 made his award or decree thereon, which, after stating the claims preferred before him, and adverting to some of the arguments urged in support of them, proceeded as follows:—

"Without any modern precedent for the case of an independent sovereign divested of all territorial possession living with uncontrolled authority over his relations and dependents in a foreign country, we can compare it only with the case of King Edward, who, when returning through France from the Holy Land, was allowed, after solemn discussion before the Parliament of Paris, to have jurisdiction even in France over his servant, who while in Paris embezzled some silver, and was apprehended by the French authorities, and from which it might be inferred that he would have been allowed jurisdiction over the property as well as lives of his subjects in his train, and that his own property, had he died in France, would have been disposed of according to his own and not the French law; or the Nawab might perhaps be held to resemble an ambassador who is exempted absolutely from all allegiance and all responsibility to the laws of the country to which he is deputed and in which he resides, being considered even while residing within a foreign state as living in his own country, retaining his original domicile, and his attendants, personal effects, and domestic servants being under his protection, and equally exempt from foreign jurisdiction, though the immunity allowed to ambassadors and their suites is sustained by the interests and courtesy of nations, and rendered requisite for negotiations and friendly intercourse, and therefore rests on a different basis from the immunity granted to a foreign potentate, either travelling through or residing in a foreign country. Let us then, without too nicely inquiring into the causes, follow the principles of these cases, and though the Nawab was resident within the British territories, let us apply to the distribution of his property that law to which he was subject. We know of no rules or code of laws laid down by him for the government of his household and relations, and we must therefore conclude that his own will was the only law that he obeyed, and in disposing then of his property we must strive to ascertain what that will was." The agent then proceeded to notice the grounds of your petitioner's claim in detail, and adverting to some doubts cast on the genuineness of the documents which passed on the marriage of your petitioner, Meer Jafur Allee, stated, "It is, however, a matter of very little moment whether these documents be genuine or not; the discovery of them at this late day in the handwriting of people now alive who did not mention them when the former inquiry was going on seems strange, but even admitting them to be genuine they prove nothing, for though the Nawab Ufzuloddeen may in 1853 have held out hopes to Surfaraz Allee, and the latter may have entered into a treaty of marriage with the Nawab on the understanding that he was to make a will leaving the succession and inheritance to his son-in-law, still as the Nawab was guided only by his own will and pleasure, and there is no written will produced on the subject, we must conclude that the Nawab altered his intentions or made some other arrangements, and that these arrangements or alterations, whatever they were, were agreed to or submitted to by his sons-in-law. It is however urged, that the Nawab's confirmation of his intentions is proved by a letter from him to Surfaraz Alee (19), dated 29th March 1834, which he writes;" and after adverting to several documents which the agent was pleased to deem immaterial, he remarked, "A letter dated the 5th February 1841 (hereinbefore set forth) is worthy of more consideration; it is written by the Nawab to Meer Surfaraz Alee, informing him that he had placed Meer Jafur Alee's son, Meer Amorodeen, on the musnud, and the whole of my establishment have made him presents on the occasion, and according to the custom of my ancestors I have given him the drums, &c., and at the desire of his parents I have appointed him my successor. The authenticity of this letter, as well as the other documents, is contested by the opposite parties, but there is no reason why they should not have admitted it, so opposed as it is, as

Meer

Meer Kumroden points out (para. 49), to the terms under which Meer Jafur Alee would contend the marriages were contracted."

"In 1839 Nujeebul-nissa Begum (Ulkbur Alee's wife) died and left no children, so that Bukthyarool-nissa Begum, Meer Jafur Alee's wife, was at this time the Nawab's only child. The Nawab had promised (19) to make his sons-in-law his successors. One, the elder, could no longer be so, and the younger had every right to expect that the Nawab would fulfil his intentions towards him; but instead of that, this letter would show that the Nawab had no intention of making his son-in-law, but his grandson, his successor, and that it was his daughter and son in law's wish that he should do so. This, allowing it to be genuine, is the only proof we have of anything actually done by the Nawab in furtherance of his intention to appoint a successor, and that this was a grave and deliberate act requires confirmation, as we do not find that the proceeding was ever communicated to the agent, or any public notice whatever taken of it, for Atmaram (26) states that none of the gentry of the city were invited or attended the meeting. The child, however, died before his grandfather, and of what after that were the Nawab's intentions, we have no proof. We have the evidence of witnesses that he looked upon Meer Jafur Alee as his son, but we also have evidence that the Nawab was entirely in Mahomed Alee Beg and Futch Mahomed's power, and would not, when on his death-bed, allow Meer Jafur Alee to sit near him. (I was in attendance in the Nawab's palace when he was ill, and went and saw him two or three times. I and Jafur Alee were together. The Nawab would not allow any one but Mirza Mahomed Alee Beg and Futch Mahomed and other Kidmutgars to sit near him. He would not allow Jafur Alee.) So that when we find the Nawab made no will, and instead of appointing his son-in-law as he promised his successor, he at son-in-law's request appointed his grandson, and on that grandson's death, neither renewed his promises to his son-in-law nor made the will he promised, we cannot conclude that the Nawab meant that son-in-law for whom a will appeared to be requisite to constitute him heir, to be his heir without one; but the more rational conclusion to arrive at appears to be, that disappointed in heirs male both of his own and his daughter's, and conscious that his dignity as Nawab must become extinct at his death, he made no will or expression of his desire how his property should descend, but left it to follow that course which the law or ruling authority might prescribe. And this appears the more probable and reasonable, since so long as the Nawabship and pension remained, there was some one for the whole family to look up to; but when these failed, there would be no head to provide for the other members of the family, and each must thenceforth depend upon his own exertions. The position, therefore, assumed by Meer Jafur Alee, that the Nawab retained to the day of his death his resolution to make his son-in-law his heir, is not proved. Nor is it shown what the Nawab's intentions were with regard to his property. Having thus found that his own will and pleasure, the only law to which the Nawab was subject, have not prescribed any rules for his inheritance, we must next see whether any particular custom of inheritance was preordained in the family; whether, as urged by Jafur Alee (Para. 46, 289, and 107), the custom of the family was neither to divide nor to receive inheritance with any relations. This being a negative position, the onus of proof of course rested on those who asserted the affirmative." The agent then stated at length his view of the evidence adduced in support of it, and found that the custom of the family had not been established. He further proceeded as follows:—

"Having thus seen there were no municipal laws to which the Nawabs were subject, nor any peculiar custom existing in their family, it remains to be seen to what law the distribution of the property among the Nawab's family is to be subjected. The general rule is, that personal property should be distributed according to the Law of the Domicile; while to the inheritance of real property the *lex loci* is alone applicable. The Law of the Domicile (of the Nawab's palace), we have seen, does not exist except in the Nawab's pleasure alone, and what his pleasure was in this case he has not recorded, even in the most informal manner. The real property then, we may safely say, would follow the law of the land, for though we might, had any law of the Nawab's palace been forthcoming, have raised the question whether the *lex loci* was to be strictly applied to the real property, still no such laws existing, there is no ground for raising any question at law. That property must then be divided according to the Mahomedan law, and as we can find no other law or rule applicable to the

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personal property, there does not appear any reason why that also should not follow the same law, the religious law of the deceased. It was sought on the examination of Moonshee Lootfolla Khan (96), to prove that the late Nawab could not be held to be a Mussulman. (To all appearance the Nawab was not a Mussulman ; I never saw him at prayers. I never saw a beard on his face. I have heard him abusive on religious subjects, but I do not know what he might have been in his heart. The Nawab when attending prayers at the Eed, never bowed himself to the ground, and used to talk while they were at prayers; I have heard that the Nawab was called a Syud.—(*Lootfolla Khan's Evidence.*) His conduct has been shown to have been in many points, and on some occasions, contrary to the strict rules of that faith, and it is therefore contended that the Mahomedan law is not applicable to the case of his inheritance. The Nawab was a Syud, and Meer Jafur Alee married into his family; as such he was buried as a Mussulman, and in subjecting men to the laws of their faith it is not necessary to inquire whether they are observers of the strictest rules of it, or merely nominal conformers with it; the rule is the same for the one as for the other. If any other mode of disposing of the property except by Mahomedan law was pointed out, the fact of the Nawab being but a heterodox Mahomedan might have some weight, but in the absence of all semblances of other laws or customs to guide the distribution of the property, and with the law of the land in which the real property is situated indicating the Mahomedan law as the rule to which that portion of the inheritance should be subjected, we are constrained to adopt that as the law which should govern the personal property also." The agent further decided that Abdool Rehman and the other persons claiming through Fukroon-nissa Begum, the wife of Haffizoodeen, the late Nawab's grandfather, and Meer Suffodeen, claiming through Meedina Begum, the sister of the said Haffizooden, were not entitled to any share in the estate of the late Nawab. The agent having found on review of the evidence which had been taken before him, that the last Nawab was duly married to his two widows Padshah Begum and Amerool-nissa Begum, that your said petitioner Meer Jafur Alee's late wife Bukhtyarool-nissa Begum was the legitimate daughter of the late Nawab ; that the claimants Meer Mooeenodden Khan and Meer Kumrooden Khan, were his lawful collateral male relatives, concluded his award or decree as follows: "The widow's child and great grandfather's brothers great grandsons are alone considered heirs, and entitled to inherit according to the Mahomedan law, and they are entitled to share in the following proportions; the daughter is entitled to one-half of the property, the widows are entitled to one-eighth between them, and the residue will go to the other two heirs in equal proportions. It is therefore decreed that the property be divided into 16 shares, and of that eight shares are awarded to Meer Jafur Ali Khan on behalf of his daughters. One share is awarded to Padshah Begum, one share to Amerool-nissa Begum, and three shares each to Meer Mooeenoodeen Khan and Meer Kumroodeen Khan."

Your petitioners being much aggrieved by the tenor of this award, your petitioner Meer Jafur Alee addressed to Mr. Malet, as Chief Secretary to the Government at Bombay, a letter dated the 22d of March 1853, deprecating and objecting to the said award or decision on various grounds, to which letter your petitioners at the proper time will crave leave to refer, and the said letter concluded as follows: "Whichever of the three rules above suggested be adopted, my claim can alone be supported. If the marriage contract be proved, it is clear it would give me a title superior to a mere exercise of will, and one resulting from a legal obligation. If the evidence of the Nawab's intentions be examined, there can be no reasonable doubt that his daughters and sons-in-law and their issue, were the sole objects of his bounty; but if that evidence be defective, and the Government, assuming the position of the Nawab, ask their consciences the question whether, if the Nawab could now be appealed to, to name the object on whom he would have wished his wealth to devolve, the answer would not be in favour of his own offspring, and not a distant member of the family, to whom he owed nothing of affection or of gratitude, and from whom when alive he was estranged, the Government are surely bound to appropriate the late Nawab's property in that manner which would have been most acceptable to his own feelings, and would merit his approval and sanction if he were alive." In answer to the letter last mentioned, Mr. Malet wrote to your petitioner

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petitioner Meer Jafur Alee the following letter, dated the 21st of July 1853. "Sir,—In answer to your two letters dated 22d of March 1853, I am directed by the Right honourable the Governor in Council to refer you to the acting Agent for the Right honourable the Governor at Surat, who will communicate to you the decision of Government in the matter therein represented."

On the 27th July 1853, H. Hibbert, Esq., the acting Agent for the Right honourable the Governor at Surat, wrote and sent to your petitioner, Meer Jafur Alee, the following letter:—"Sir, I am directed by the Right honourable the Governor in Council to inform you that on full consideration of the appeals preferred by yourself on behalf of your two daughters and your mother-in-law, Ameer-ool-nissa Begum and the other claimants on the property of his Excellency the late Nawab of Surat, against the decision passed by Mr. Frere, the late Agent, Government has, under section 2 of Act 18 of 1848, adjudged the succession to the said property in the following shares: the Nawab's two grand-daughters, Ruheemool-nissa Begum, 4-16ths; Zeeaool-nissa Begum, 4-16ths; the Nawab's two widows, Padshah Begum, 1-16th; Ameerool-nissa Begum, 1-16th; the great-grandsons of the late Nawab's great-grandfather's brother in the male line, Meer Moyenoden Bukshee, 3-16ths; Meer Kumrooden Wullud, 3-16ths. Second, with reference to the above, I request you will be good enough to attend, either in person or by vakeel, at my office, on Monday next the 1st proximo, at 12 o'clock a. m. precisely, as I should wish to consult you regarding the best mode of distributing the property in question amongst those to whom it has been awarded."

Your petitioners are advised and humbly insist that a valid and binding contract was entered into on the occasion of the marriage of your petitioner Meer Jafur Alee, by which contract the succession to the estate of the late Nawab ought to be determined; that there was a valid and subsisting law, a custom of the family of the late Nawab of Surat, which had been repeatedly acted upon, whereby the other claimants to the estate and effects of the late Nawab were excluded from taking any share thereof, or participating in the succession thereto; and that, independently of these special considerations, your petitioner, Meer Jafur Alee's wife as the sole issue of the Nawab, at the time of his decease, was alone entitled upon principles of natural justice and right to the whole of his estate, to the exclusion of the Nawab's remote kindred, who did not in his lifetime constitute any part of his family, and were never recognised by him as entitled to participate in his estate; and your petitioners are further advised and humbly insist that Padshah Begum, who claimed as one of the widows of the late Nawab, having been divorced by him in his lifetime, formed no part of his family at the time of his decease, and was not entitled to any share in his estate, and that Meer Mooeenoden Khan and Meer Kumrooden Khan were not, even by the Mahomedan law, legitimate collateral relations of the late Nawab, entitled to shares in his estate, and that the adjudication of the Right honourable the Governor of Bombay in Council, as promulgated in the letter of Mr. Hibbert of the 27th of July 1853, is erroneous and ought to be reversed.

Your petitioners are further advised and humbly submit, that your Majesty's Privy Council is the only tribunal to which your petitioners can appeal against the judgment of the Governor in Council of Bombay; and your petitioners show that from all decisions of a similar character, passed by the Government in Council, in regard to the property of persons of rank in western India, an appeal is referred as of course to the Judicial Committee of your Majesty's Privy Council, but in consequence of the Legislative Council having, as your petitioners believe, entirely omitted to take into their consideration, in framing the Act hereinbefore stated, the right which your petitioners possessed of appealing to your Majesty in Council, your petitioners are by the construction which has been put upon that Act by the Judicial Committee of your Majesty's Privy Council, unable to submit this appeal to their Lordships without the express order of your Majesty in Council.

Your petitioners, therefore, humbly pray that your Majesty will be most graciously pleased to take the case of your petitioners into your Royal consideration, and that inasmuch as your Majesty's prerogative cannot be affected by the said Act of the Legislative Council of India, your Majesty will

Correspondence with the Board of Control.

will be graciously pleased, in the exercise of your Royal prerogative, to refer the matter of this petition to the Judicial Committee of your Majesty's most honourable Privy Council, in order that your Majesty may be advised as to what right and justice require, and that your Majesty will be pleased to order right and justice to be done in the premises accordingly, and that for the purposes aforesaid all necessary directions may be given for transmitting to the clerk of your Majesty's most honourable Privy Council copies of all notes or records of any evidence taken by, and documents produced to or laid before the said Mr. Frere, and of all other proceedings before the said Mr. Frere and the Governor in Council of Bombay, relating to the matters in question, or that your Majesty will be most graciously pleased to grant to your petitioners such further or other relief in the premises as to your Majesty shall seem meet.

And your petitioners will ever pray, &c.

(signed) *Jafur Alee.*

Meer Jafur Alee Khan to the Secretary to the Board of Commissioners for the Affairs of India.

Sir, 15, Warwick-road West, 15 July 1856.

I HAVE the honour to hand over to you, for the information of the President of the Board of Control, a copy of a letter* which I have this day addressed to the Court of Directors of the Honourable the East India Company, soliciting that the claims of my daughters, recently discussed before Parliament, may be referred to the Judicial Committee of Her Majesty's Privy Council.

* Page 5.

I have, &c.

(signed) *Jafur Alee.*

The Secretary of the India Board to Meer Jafur Alee Khan.

Sir, India Board, 17 July 1856.

I AM desired by the Commissioners for the Affairs of India to acknowledge the receipt of your letter of the 15th instant, transmitting a copy of a letter which, on the same day, you addressed to the Chairman of the East India Company, respecting your claims to the stipend and the property possessed by the late Nawab of Surat.

The President of this Board thinks it right that you should be informed that he does not acknowledge in any way the accuracy of the statement contained in your letter; nor does he consider that it fulfils or follows the course he recommended in the House of Commons.

I have, &c.

(signed) *George Clerk.*

Meer Jafur Alee Khan to the Secretary to the Board of Commissioners for the Affairs of India.

Sir, 15, Warwick-road West, 18 August 1856.

I HAVE the honour to hand over to you, for the information of the Right honourable the President of the Board of Control, a copy of a letter† which I have addressed to the Court of Directors of the Honourable East India Company, again renewing my application, soliciting that the claims of myself and daughters may meet with their favourable consideration and settlement.

† Page 7.

I have, &c.

(signed) *Jafur Alee.*

The Acting Assisting Secretary of the India Board to Meer Jafur Alee Khan.

Sir, India Board, 26 August 1856.

I AM desired, by the Commissioners for the Affairs of India, to acknowledge the receipt of your letter of the 18th instant, transmitting a copy of a further application made by you to the Court of Directors of the East India Company.

I have, &c.
(signed) *C. H. C. Plowden.*

Meer Jafur Alee Khan to the Right Honourable the President of the Board of Commissioners for the Affairs of India.

15, Warwick-road West,
19 December 1856.

Right honourable Sir,

I HAVE the honour to forward herewith a petition to Her Majesty in Council in behalf of myself and daughters, praying that Her Majesty will grant us leave to appeal against the decision of the Governor in Council of Bombay, ordering the private property of the late Nawab of Surat to be distributed amongst us and certain other persons whom, we are advised, and believe, have no right to participate in his estate.

It may be in your recollection that, in the last Session of Parliament, the Committee, to whom the Bill introduced by me was referred, reported in favour of the decisions of the Governor in Council respecting the Nawab's estate being treated like those which the Governor in Council is accustomed to pass as a judicial tribunal in other cases; and, during the debates which subsequently ensued, no one dissented from this view; but, on the contrary, honourable Members who seemed to express the sentiments of the Court of Directors entirely acquiesced in the propriety of remitting all questions regarding the Nawab's private estate to the Judicial Committee of the Privy Council as the ultimate court of appeal.

Trusting, therefore, that it is unnecessary for me to adduce at length the many cogent reasons which might be stated for the adoption of this course, I hope you will think it expedient and just to advise Her Majesty to make the usual order granting leave to appeal, according to the prayer of the petition.

In advertence to the letter of the 16th of August last, which I had the honour to address to the Honourable the Court of Directors, on the subject of the claims of myself and my daughters to the pension of 15,000 *l.* a year arising from the treaty of 1800, I have received an answer dated the 20th of November last, signed by Sir James C. Melvill, Secretary to the Honourable the Court of Directors, offering an increase of pension to myself and daughters from 52,800 rupees to 1,00,000 rupees per annum. As the language of that letter leaves it doubtful whether the 1,00,000 rupees is to last during the three lives, and the life and lives of the survivors and survivor of them, I have requested from the Honourable Court an explicit answer on that point. On learning that the increased pension is to be enjoyed by the survivors and survivor of myself and my two daughters, and on being acquainted by you that I am permitted to appeal against the decision as to the private property, according to the prayer of the petition now handed up, I shall be prepared to accept the offer of the Honourable Court in settlement of the claims of myself and family to the pension.

I have, &c.
(signed) *Jafur Alee.*

Correspondence with the Board of Control.

Meer Jafur Alee Khan to the Right Honourable *R. Vernon Smith*, M. P., President of the Board of Commissioners for the Affairs of India.

15, Warwick-road West,
21 February 1857.

Right honourable Sir,

On the 19th of December I had the honour of addressing and requesting you to be good enough to recommend Her Majesty to grant me leave to appeal to Her Majesty's Privy Council against the decision of Mr. Frere, agent to the Honourable the Governor of Bombay at Surat (a decision which none of the parties concerned were satisfied, and appealed against it to the Honourable Court of Directors); and my consent to the increase of pension offered to me by the Honourable the Court of Directors of the East India Company, I made contingent upon such reference being granted.

s. o.

A period of two months have elapsed, and I have not yet heard of your decision on my petition: my longer stay in this country would only entail larger expense upon me over the already large sum I have incurred while here; without any hope, however, of recompense or remuneration from any part. I have waited upon you several times to beg of you to hasten your decision on my petition, but invariably I received your reply that the matter was in Sir George Clerk's hands, and I must communicate with him on the subject. Sir George Clerk has lately been in town, but I was so unfortunate as to miss him on every time I called to see him. I now assure you that I feel very sick, tired, and very miserable, remaining in this country, especially when I have nothing further to do; and I hope I am not trespassing too much upon your kindness and consideration in soliciting your early decision on my petition.

I have, &c.
(signed) *Jafur Alee.*

The Secretary of the India Board to Meer Jafur Alee Khan.

Sir,

India Board, 2 March 1857.

I am desired by the Commissioners for the Affairs of India to acknowledge the receipt of the letter addressed by you to the President of this Board on the 21st ultimo, and, in reply, I have to refer you to the last paragraph of the letter written to you, by order of the Court of Directors of the East India Company, with the sanction of this Board, on the 22d of December 1856, to which, so far as the Board are aware, you have not yet returned an answer.

I have, &c.
(signed) *George Clerk.*

India Board, 20 March 1857. (signed) *Wm. Leach.*

COPY of the CORRESPONDENCE between MEER JAFFUR ALI KHAN and the COURT of DIRECTORS of the East India Company, and between the same and the Board of Commissioners for the Affairs of India, respecting the Property of the late NAWAB of *Surat* (in continuation of the Papers ordered on the 16th of March).

Correspondence with the Court of Directors and Board of Control.

Further Correspondence.

To the Honourable the Court of Directors of the East India Company.

Honourable Sirs,

I BEG to acknowledge the receipt of your two letters of the 20th November and 23d December 1856, informing me that the Honourable Court of Directors is prepared to fix the sum of 1,50,000 rupees a year as a life pension for the family and dependants of the late Nawab; that the pension of the two widows is to be raised from 14,400 to 20,000 rupees a year each; that the servants and dependants of the late Nawab are to continue to enjoy their present pensions, and that the balance, to be fixed at 1,00,000 rupees (10,000 *l.*) is to be shared equally between myself and my two daughters for life, but to lapse to Government on the death of the survivor of the three grantees. It being clearly understood that the whole sum of 10,000 *l.* a year is to be paid undiminished until the death of the last survivor of my two daughters and myself, the portion of each of the three passing on her or his death to the survivors or survivor; it being also understood that a sum of 20,000 *l.* is, independently of the above, at once to be paid to me.

I have now to announce to your Honourable Board that, worn out as I am in this unequal and protracted struggle to obtain justice at the hands of the British Government, I yield to necessity, and accept the above proposal; and I beg that your Honourable Court will send out instructions to the Government of Bombay to pay over to the Oriental Bank Corporation, Bombay, the sum of 15,000 *l.* on my account, and the remainder 5,000 *l.* to be paid to me here for my expenses.

As to the private property of the late Nawab, as your Honourable Court is pleased to declare that this is a question not for you, but for the Government, I trouble you no further upon this point, and shall do what I best can to obtain redress elsewhere.

In conclusion, I beg that the Honourable Court will be pleased to order the present arrangement to take effect from the date of my letter, requesting reconsideration of my claims, which is dated 16th August last.

I have, &c.
(signed) *Jafur Alee.*

15, Warwick-road West, Paddington,
30 March 1857.

Further Correspondence.

To Sir *George Russell Clerk*, K.C.B., Secretary to the Board of Commissioners for the Affairs of India.

Sir,

In compliance with your intimation contained in your letter dated the 2d of March, I have now the honour to enclose, for the information of the Right honourable the President of the Board of Control, a copy of a letter dated the 30th instant, which I have addressed to the Honourable the Court of Directors of the East India Company.

I have, &c.

15, Warwick-road West, Paddington, 31 March 1857.

(signed) *Jafur Alee.*

To Meer Jaffur Ali, 15, Warwick-road West, Paddington.

Sir, East India House, 17 April 1857.

I am commanded by the Court of Directors of the East India Company to acknowledge the receipt of your letter of the 30th ultimo, stating that you are willing to accept the terms of the arrangement with respect to the pension claimed by the family of the late Nawab of Surat, intimated to you in the Court's letters of the 20th of November and the 23d of December 1856; and I am directed to inform you, in reply, that the Court, with the understanding that this is a final settlement of the question, are prepared to send immediate "instructions to the Government of Bombay to pay over to the Oriental Bank Corporation, Bombay, the sum of 15,000*l.*" on your account, and to pay to you in this country "the remainder, 5,000 *l.*," being the balance of the sum of 20,000 *l.* which the Court, in their letter of the 20th of November, consented to pay to you "in free gift," in consideration of the "expenses incurred by your residence in England, and with a view to assist you in making a further provision for your daughters on the occasion of their marriage."

With reference to the request contained in the last paragraph of your letter, namely, "that the Honourable Court will be pleased to order the present arrangement to take effect from the date" of your "letter of the 16th of August last," requesting reconsideration of your claims, I am directed to state that the Court, although it is usual that arrangements should take effect from the date of letters stating the acceptance of the decision, which, in your case, would be the 30th ultimo, consent to fix the date of adjustment in the manner which you solicit.

I am, &c.

(signed) *James C. Melvill*, Secretary.

Political LETTER from the Court of Directors to the Government of Bombay; dated 22 April 1857.

Para. 1. We transmit to you herewith copies of correspondence with Meer Jaffur Ali of Surat, relative to the claims of the family of the late Nawab upon the British Government, under the treaty concluded with his Highness by Mr. Duncan, in the year 1800.

2. With reference to the paragraph in the letter from our Secretary of the 20th of November 1856, intimating to Meer Jaffur Ali our intention to pay to him, in free gift, the sum of twenty thousand pounds (20,000 *l.*); and to our Secretary's letter of April 17th, 1857, stating our willingness to disburse, in accordance with his request, three-fourths of this amount in Bombay, we desire that you will place to his credit with the Oriental Bank Corporation the sum of a lakh and a half of rupees (Co.'s Rs. 1,50,000).

3. We

3. We desire also that you will issue the necessary orders for the payment of the pensions granted to the family of the late Nawab, in the manner set forth in the letters of the 20th of November 1856, and the 17th of April 1857, to the address of Meer Jaffur Ali.

Further Correspondence.

We are, &c.

(signed) *Ross D. Mangles,*
F. Currie,
&c. &c.

London, 22 April 1857.

EAST INDIA (NAWÁB OF SURAT).

CORRESPONDENCE between MIR JAFER ALI KHAN and the COURT of DIRECTORS, and between the same and the PRESIDENT of the BOARD of CONTROL, respecting the Property of the late NAWAB of *Surat*.

(*Sir Erskine Perry.*)

CORRESPONDENCE between MEER JAFFUR ALI KHAN and the COURT of DIRECTORS of the East India Company, and between the same and the Board of Commissioners for the Affairs of India (in continuation of the above).

(*Mr. Seymour.*)

Ordered, by The House of Commons, *to be Printed*,
14 & 15 *May* 1857.

31--Sess. 2.

Under 8 *oz.*

EAST INDIA (NAWÁB OF SURAT).

RETURN to an Order of the Honourable The House of Commons, dated 18 May 1857;—*for*,

COPY "of MINUTES of the MEMBERS of COUNCIL of the Government of India in Consultation on Act XVIII. of 1848, relating to the Property of the late NAWAB of SURAT."

East India House,
28 May 1857.

JAMES C. MELVILL.

(*Sir FitzRoy Kelly.*)

Ordered, by The House of Commons, *to be Printed*,
4 *June* 1857.

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East India House,
28 May 1857.

J. S. Mill,
Examiner of India Correspondence.

COPY of MINUTES of the MEMBERS of COUNCIL of the Government of India in Consultation on Act XVIII. of 1848, relating to the Property of the late NAWAB of SURAT.

EXTRACT LETTER from the Government of India in the Legislative Department; dated 10 February (No. 5) 1849.

37. THE correspondence with the Government of Bombay on the subject of the administration of the estate of the late Nawab of Surat, has been reported to your Honourable Court from the Foreign Department. A legislative enactment being required for the purpose, and for continuing the exemption from the jurisdiction of the Company's civil and criminal courts, of the widows and certain of the relatives of the deceased, the draft of a law was prepared, which was in substance the same as that proposed by the Government of Bombay, but it was subsequently, after further consideration, much altered; amendments were made in sections 3 and 4; and sections 1 and 5 were constructed on the basis of Act I. of 1844, in the analogous case of the family of the Nawab of the Carnatic. Noticing these changes, the Government of Bombay took objection to the first clause, remarking, that it was defective in not containing, as the original clause did, a provision as to the tribunal to which, in civil and criminal matters, the parties exempted from the ordinary tribunals should be amenable. Our colleague, Mr. Bethune, who recorded a minute* on the subject, stated that "the practical operation of this enactment will be, that the Governor, or his Agent, will remonstrate with them (the privileged parties) in all cases of wrongful acts, and, if necessary, enforce restitution or amends by the threat of allowing the law to take its course against them." The difficulties of the original section are also pointed out by Mr. Bethune in his minute.

Act. No. XVIII. of 1848. For the administration of the Estate of the late Nawab of Surat, and to continue privileges to his family.

* Dated 12 August 1848.

38. The dates fixed in clauses 3 and 4 were also objected to by the Bombay Government, but no reason was apparent to doubt the soundness of the amendments.

39. Section 5, it was observed, was useless, and might hereafter prove mischievous, by giving rise to an unfounded idea that any part of the treaty survived after the death of the Nawab. This section was worded as follows:

"This Act shall not be construed to restrict the operation of the said treaty, and, independently of this Act, the said several persons shall be entitled to claim, maintain, and enjoy any privilege to which, by virtue of the said treaty, they or any of them may be entitled."

Mr. Bethune explained, that he had only proposed the above section by way of protestation that the Act was not an infringement of any engagement formerly entered into by the Company. The section was omitted, as there appeared to be some weight in the objections taken against it.

40. The draft, thus remodelled, was passed into law, on the 26th August, as Act XVIII. of 1848.

41. Among the papers will be found two communications from Meer Jafur Ali, the son-in-law of the late Nawab of Surat, soliciting a modification of the clause which proposed to empower the Governor in Council of Bombay to administer to the effects of the late Nawab, and to provide that no act of that Government in respect to such administration should be questioned in any court of law or equity.

42. Meer Jafur Ali considered that the wording of this section would prevent the Agent at Surat from investigating and deciding upon several very important matters relating to the Nawab's estate, which he was desirous of submitting to him for decision. He, therefore, solicited a modification of the section. His application was referred to the Government of Bombay, who explained that it

was their intention, on the passing of the Act, to empower the Agent at Surat to summon all parties who claimed to participate in the late Nawab's estate, and, after full inquiry, to adjudicate their respective claims, consulting on all points of law the Mahomedan law officers of greatest repute. It was further explained, that the Agent's decisions would be subject to the confirmation of Government, and that all appeals against those decisions would be entertained, and finally decided by Government; and that after the proceeds of the estate had been thus distributed, all future cases of dispute, with the exemptions noticed in the Act, would be subject to the jurisdiction of the ordinary tribunals of the country.

No. 44 of 1847.

LETTER from *A. Malet*, Esq., Secretary to the Government of Bombay to *G. A. Bushby*, Esq., Officiating Secretary to the Government of India.

Sir,

Political Department.

WITH reference to my letter to Sir F. Currie, dated the 10th October 1846, No. 339, I am directed by the Honourable the Governor in Council to transmit, for the consideration of the Honourable the President of the Council of India, the accompanying draft of an Act, to provide for the administration of the estate of the late Nawab of Surat, and for the exemption from the jurisdiction of the Honourable Company's civil and criminal courts of the widows and certain of the relatives of the deceased.

I have, &c.
(signed) *A. Malet*,
Secretary to Government.

Fort William, 1 September 1847.

DRAFT ACT.

WHEREAS it is expedient to provide for the primary administration of the estate of the late Nawab of Surat, Meer Ufzoolooddeen Khan, Kumrood, Dowleh Ushmut, Jung Bahadoor: and whereas the exemption from the jurisdiction of the civil and criminal courts enjoyed by certain persons under the provisions of clause 2, section 21, Regulation II. of 1827, and clause 2, section 1, Regulation XI. of 1827, ceased and determined at the death of the said late Nuwab, and it is deemed desirable to continue such privilege to certain of the said parties;

1. It is hereby enacted, that the Governor of Bombay in Council shall be and is hereby empowered to exempt from the jurisdiction of the civil and criminal courts the widows and such of the present relatives of the late Nuwab of Surat as may to him seem proper, and to declare the persons so exempted amenable to the authority of an agent, whom he may appoint for this purpose.

2. And it is hereby enacted, that it shall be competent to the Honourable the Governor in Council of Bombay to act in the administration of the property of whatever nature left by the late Nuwab of Surat, in regard to the settlement and payment of the debts and claims standing against the estate of the said late Nuwab at the time of his decease, and to the primary distribution of the remaining property among his family, and that all acts of the said Honourable the Governor in Council of Bombay in respect to such property, from the date of the demise of the said late Nuwab, shall be held to be valid, and not liable to be questioned in any court of law.

3. And it is further enacted, that the limitation of time for filing claims in the civil courts, provided in Regulation V. of 1827, shall be held in respect to all persons who are exempted from the jurisdiction of the civil courts by the provisions of clause 2, section 21, of Regulation II. of 1827, to commence from the 8th day of August 1842, being the date of the demise of the said late Nuwab.

4. And it is further enacted, that deeds registered under the provisions of any Act passed by the Governor-general in Council of India shall not, on the sole

sole ground of priority of registration, invalidate deeds which may be duly registered within six months from the promulgation of this Act, by any persons distinctly exempted under the said clause 2, section 21, of Regulation II. of 1827, provided such deed shall relate to property conveyed to the owner prior to the date of the demise of the said late Nuwab.

Fort William.—Home Department, Legislative, 5 February 1848.

THE following draft of a proposed Act was read in Council for the first time on the 5th of February 1848.

Act No. —— of 1848.

AN ACT for the Administration of the Estate of the late Nuwab of Surat.

WHEREAS it is expedient to provide for the administration of the estate of the late Nuwab of Surat, Meer Ufzoolooddeen Khan, Kumrood Dowleh, Ushmut Jung, Bahadoor: and whereas the exemption from the jurisdiction of the civil and criminal courts enjoyed by certain persons under the provisions of clause 2, section 21, Regulation II. of 1827, and clause 2, section 1, Regulation XI. of 1827 of the Bombay Code, ceased and determined at the death of the said late Nuwab, and it is deemed desirable to continue such privilege to some of the said persons;

1. It is hereby enacted, that the Governor of Bombay in Council shall be and is hereby empowered to exempt from the jurisdiction of the civil and criminal courts the widows and such of the present relatives of the late Nuwab of Surat as may to him seem proper, and to declare the persons so exempted amenable to the authority of an agent, whom he may appoint for this purpose.

2. And it is hereby enacted, that it shall be competent to the Governor in Council of Bombay to act in the administration of the property of whatever nature left by the late Nuwab of Surat, in regard to the settlement and payment of the debts and claims standing against the estate of the said late Nuwab at the time of his demise, and to make distribution of the remaining property among his family, and that all acts of the said Governor in Council of Bombay, in respect to such property from the date of the demise of the said late Nuwab, shall be held to be valid and not liable to be questioned in any court of law.

3. And it is further enacted, that the limitation of time for filing claims in the civil courts, provided in the said Regulation V. of 1827, shall be held in respect to all persons who are exempted from the jurisdiction of the civil courts by the provisions of clause 2, section 21, of the said Regulation II. of 1827, to commence from the 8th day of August 1842, being the date of the demise of the said late Nuwab.

4. And it is further enacted, that deeds registered under the provisions of any Act passed by the Governor-general in Council of India, shall not, on the sole ground of priority of registration, invalidate deeds which may be duly registered within six months from the promulgation of this Act, by any persons distinctly exempted under the said clause 2, section 21, of Regulation II. of 1827, provided such deed shall relate to property conveyed to the owner prior to the date of the demise of the said late Nuwab.

Ordered, that the draft now read be published for general information.

Ordered, that the said draft be re-considered at the first meeting of the Legislative Council of India after the 5th day of May next.

G. A. Bushby,
Secretary to the Government of India.

No. 162.

LETTER from *G. A. Bushby*, Esq., Secretary to the Government of India in the Home Department, to *A. Malet*, Esq., Chief Secretary to the Government of Bombay.

Sir,

WITH reference to your letters, Nos. 52 and 57, dated respectively the 22d October and 20th November 1847, and enclosures, I am directed to forward, for submission to the Honourable the Governor in Council, the accompanying draft of a proposed Act "for the Administration of the Estate of the late Nuwab of Surat," read in Council for the first time on this date, and published for general information, and to request that his Honour in Council will favour the Supreme Government with any observations or suggestions on its provisions which may appear to be necessary.

I have, &c.

Fort William, 5 February 1848. (signed) *G. A. Bushby*,
Secretary to the Government of India.

No. 44 of 1848.

LETTER from *A. Malet*, Esq., Chief Secretary to Government, Bombay, to *G. A. Bushby*, Esq., Secretary to the Government of India in the Legislative Department.

Sir,

I AM directed by the Honourable the Governor in Council to acknowledge the receipt of your letter, No. 162, dated the 5th ultimo, forwarding for any observations or suggestions which this Government may deem necessary, the draft of a proposed Act "for the Administration of the Estate of the late Nuwab of Surat."

2. In reply, I am desired to state, for the information of the Right honourable the Governor-general of India in Council, that the draft Act accompanying your letter, being in substance the same as that forwarded with my communication, No. 44, dated the 1st September last, no additional observations or suggestions occur to the Governor in Council on the subject.

I have, &c.

Bombay Castle, 6 March 1848. (signed) *A. Malet*,
Chief Secretary.

No. 66 of 1848.

LETTER from *A. Malet*, Esq., Chief Secretary to the Government of Bombay, to *G. A. Bushby*, Esq., Secretary to the Government of India.

Sir,

WITH reference to the draft "Act for the Administration of the Estate of the late Nawab of Surat," now before the Legislative Council of India, I am directed by the Honourable the Governor in Council to transmit to you, for submission to the Right honourable the Governor-general of India in Council, copy of a letter from Meer Jaffur Ali Khan, dated the 11th ultimo, soliciting a modification of clause 2 of the draft Act in question.

2. In forwarding this letter, I am directed to explain, that it is the intention of this Government, on the passing of the above Act, to empower the Agent for the Honourable the Governor at Surat to summon all parties who claim to participate in the late Nuwab's estate, and, after full inquiry, to adjudicate their respective claims, consulting on all points of law the Mahomedan law officers of greatest repute.

3. The Agent's decisions will be subject to the confirmation of Government; and all appeals against those decisions will be entertained and finally decided by Government.

4. After

4. After the proceeds of the estate have been thus distributed, all future cases of dispute, with the exemptions noticed in the Act, will be subject to the jurisdiction of the ordinary tribunals of the country.

5. Under the above explanations, the Governor in Council does not consider any change necessary in the draft Act, as now framed.

I have, &c.

Bombay Castle, 10 April 1848. (signed) *A. Malet*,
Chief Secretary.

LETTER from Meer Jaffur Ali Khan, Bahadoor, to the Honourable *G. R. Clerk*, Esq., Governor in Council, Bombay.

Honourable Sir,

HAVING observed in the public papers that an Act for the administration of the estate of the late Nabob of Surat has been laid before the Legislative Council, I beg to call the attention of your Honour in Council to the 2d clause of the Act, which I am advised is so framed as to prevent the Agent at Surat investigating and deciding upon several very important subjects relating to the Nawab's estate, which I am desirous of submitting to him for decision.

Being satisfied that it cannot be the intention either of your Honour in Council or of the Legislative Council to pass a law for the purpose of debarring me from asserting what I believe to be my undoubted rights, and denying me even an appeal to the authority specially constituted under the Act to dispense justice, I beg to submit, for the consideration of your Honour in Council, the accompanying clause, in lieu of clause 2 of the Act; and I trust that your Honour will be pleased to recommend its adoption to the Legislative Council.

I have, &c.

Bombay, 11 March 1848. (signed) *Meer Jefur Ally Khan*,
Bahadoor.

That the estate and effects of the late Nawab, and the administration thereof, shall be exempt from the jurisdiction of the civil courts of justice, and shall be under the authority of the Agent to be appointed as aforesaid, but subject to the control of Government; and that no action or suit shall be brought in any court of law for any act done by the Agent, or other officer of the Governor in Council at Surat, since the decease of the late Nawab, respecting his estate or effects.

(True copies).

(signed) A. Malet, Chief Secretary.

To the Right honourable the Governor-general of India in Council.

The humble Memorial of Meer Jafur Ali Khan, Bahadoor, of Surat, on behalf of himself and Ameerool Nissa Begum, the Widow of the late Nawab of Surat, and of his late Excellency's infant Grand-daughters, namely, Zeeaool Nissa Begum and Raheemool Nissa Begum,

Showeth,

That your memorialist has learnt from the public papers that the draft of an Act for the administration of the estate of the late Nawaub of Surat, which was lately before the Legislative Council of India, providing that the Governor in Council of Bombay shall make distribution of the property left by the late Nawaub among his family; and that all acts of the said Governor in Council of Bombay in respect of such property, from the date of the demise of the late Nawaub, shall be held to be valid, and not liable to be questioned in any court of law.

2. That your memorialist, conceiving that these latter provisions of the Act will deprive him of his just rights, respectfully submits to the consideration of your Lordship in Council a statement of the circumstances, which he trusts will induce

induce your Lordship so to modify the provisions of the Act as to allow your memorialist to obtain, at the hands of the Agent to be appointed under the Act, an equitable and impartial decision on every question respecting the estate of the late Nawaub which your memorialist may desire to submit to his adjudication.

3. That the late Nawaub, at the time of his demise, left him surviving, Ameeroonissa Begum, and an only daughter, named Bukhtyaroonissa Begum, since deceased, the late wife of your memorialist, and also another lady named Padshah Begum, to whom he had also been married; but in a few months, for some cause, disagreements having ensued, he had been many years separated from her; and two fourth cousins, his distant relations, claiming through a branch of the male line; and while your memorialist admits that by the law of inheritance adopted by some of the Soonnee sect in India, the fourth cousins of the late Nawaub would be entitled to a share in his estate, your memorialist is prepared to prove that it was an established custom in the Nawaub's family not to divide inheritance with collateral kindred; and that this has not only in fact occurred on several occasions, but that it was so declared by a solemn instrument attested by the collateral relations of the Nawaub, and by those through whom the fourth cousins of the late Nawaub would now claim to share in his estate. This document having been recorded in the agency, exists in your memorialist's possession; and your memorialist respectfully submits, that such a custom with a prince not subject to the Regulations, became in effect a law concerning his own family, and that there is nothing whatever repugnant in such a law to the religious law of the late Nawaub, inasmuch as the inheritance of the property, in the absence of sons, is not regulated by the Koran in favour of collateral kindred; and that not only does a large sect of the Mahomedans acknowledge the law of the Imaumees, by which the inheritance would expressly descend to a daughter, but many other numerous sects of Mahomedans, such as the Bohrahs, Maplas and Rhojahs, disregard the Mahomedan law of inheritance, and the usages of particular families have been recognised, as your memorialist has been informed, in the courts of justice; and your memorialist believes, that even in Mahomedan countries customs of inheritance prevail over the law which has been handed down by writers whose authority, on points of civil law, is not a matter of religious belief, but results from the necessity of referring to some standard of law, by which conflicting rights may be adjusted, where there is no other law known to the estate.

4. Your memorialist is not now seeking an immediate decision of your Lordship in Council on this very important question; but he trusts that he has urged sufficient to induce your Lordship not to declare, by an Act of the Legislative Council, that the estate of the late Nawaub shall be divided without regard to the rights claimed by your memorialist and his family.

5. That, taken for granted that the rights of your memorialist's late wife to inherit the Nawaub's private estate should not be admitted, your memorialist respectfully submits that no just ground exists for the interference of the Honourable the Governor in Council, in the first instance, in the administration of the private property of the late Nawaub; that that as well as other property having been taken from your memorialist's possession in the manner described below, should now be restored to your memorialist, and that full indemnification should be made for the losses which have been sustained as hereafter stated.

6. That the late Nawaub, at the time of his death, left all his private and public affairs in charge of your memorialist. Upon the decease of his late Excellency, your memorialist, on behalf of his wife, the Nawaub's daughter, managed the private immovable property left by her late father, and took charge of his immovable estate; and your memorialist was also in possession of several gardens and houses, and other immovable as well as certain movable property, which had been derived from the Nawaub by gifts made at various periods in his lifetime; but about five months after the demise of the late Nawaub, in the month of December 1842, the Agent for the Honourable the Governor issued a public proclamation for the seizure of all the property of the late Nawaub, and under colour of it, not only took under his charge the houses, gardens and other immovable property of which the Nawaub had died possessed, but also

all

all the private immovable property of his widow and daughter which had been at any previous period acquired by them through the late Nawaub.

7. Your memorialist, and those he represents, feeling greatly aggrieved at these proceedings, but being assured that they were adopted merely as a measure of security, offered to the Agent security to account for all property in their possession, and although the Agent at first intimated his intention of accepting it, yet, when ample security was tendered to him he declined to receive it; and persisted in seizing every thing (without deliberate inquiry) which he thought fit to assume belonged to the Nawaub.

8. Your memorialist cannot better make manifest to your Lordship in Council the manner in which your memorialist's family were treated, than by quoting the letters received from the Agent for the Honourable the Governor.

On the 2d of June 1843 the agent wrote to the widow and daughter of the Nawaub in the Persian language, to the following effect:

"I do myself the honour of acknowledging your letter of the 22d Rubeeoossanee 1259 A. H., with enclosed list of the effects of the late Nawaub. But you have not, agreeably to my request of the 18th April last, furnished me with a list of all the property, *i.e.*, of every thing that his late Excellency at the time of his demise left, wherever it may be; you have only sent me the list of effects. It is hereby to be written to you, again requesting you to forward to me, without delay, in the course of two days, a statement of all gardens, lands, fees and rights of every kind, and of animals, shops and houses, &c. On the items of the statement of the land, rights and fees and houses, you are to put remarks, showing the time and manner of their coming in possession of his Excellency the late Nawaub. If you will not send to me the statement as I requested in the time given to you, I shall have to adopt measures which will be unpleasant to you."

On the 15th of February 1844, the Agent again wrote in Persian:

"To-morrow, on the 16th of February 1844, according to the Honourable Government's order, I will call at the palace to take charge of the property of his Excellency the late Nawaub, whatever it may be. It is requisite that you should deliver them over to me; should you disagree to this, and will not, in the space of one month give them in my charge, nothing shall be given to you from the pensions that are to be ordered by the Governor-general. The particulars of this have been communicated to Meer Jafur Alee Khan in my English letter, from which you will know the whole."

9. Your memorialist and his brother having been presented, on their marriage with the Nawaub's daughters, with a number of household effects, had for several years kept them in Durya Mehal, which had belonged to the Nawaub, and had been presented by him to his wife and his daughters long before the marriage of the latter; but on your memorialist declining to surrender them to the Agent, he addressed to your memorialist the following letter on the 5th of May 1845:

"That in the house of Durya Mehal there are the effects belonging to the late Nawaub, to take an inventory of which is indispensable; it is therefore to be written to you to send with all expedition the keys of both the places that are with you."

To which your memorialist replied on the same day (the 28th of Rubeeoossanee 1261 A. H.) in Persian, as follows:

"I have the honour to acknowledge the receipt of your letter of the 5th May of this year, No. 31, informing me that there were, in the house of Durya Mehal, effects belonging to the late Nawaub, of which you would take an inventory, requesting me at the same time to send in the keys of the two places to you; to this it is to be replied, that there are no effects of the late Nawaub locked up in the Durya Mehal, but there are effects of the Doury, belonging to Nujeeboonissa Begum the late, and belonging to my late wife Buktyaroonnissa Begum; this will be satisfactorily known to you by inquiring of the managers, and by referring to the records, in which you will find a list of the effects; notwithstanding this, if it is your desire to have a list of them made, let persons on your part and mine unanimously make out one of the things; there can be no excuse to act against the pleasure of Government."

And on the next day your memorialist received a further communication, as follows:

"Your communication of the 28th Rubeeoosanee has been received (recapitulates), in reply it is to be stated, if you have the key of the place in question in your possession, send it in to me; if not, the officers of Government shall be ordered to open the place, and take an inventory of the things that may be there; pray be quick in sending an answer to this."

To which your memorialist, on the ensuing day, sent the subjoined answer:

"I have the honour to acknowledge your letter of yesterday's date. I represented to you already declaring that there was no property of the late Nawaub in the Durya Mehal, excepting the effects of the two late Begums (as stated in the above letter), and that if it were your pleasure servants of your Government and mine might go together and take down the list; notwithstanding this, you direct that if the keys are not given, Government officers shall be ordered to open the place to take down an inventory. I therefore repeat, that the effects do not belong to the late Nawaub, but they belong to the aforesaid two late Begums. If you require a list of the things to be made out, an officer on my part is ready to wait upon you, and I have no objection in taking down the inventory mutually."

And on the 12th of the same month the Agent for the Governor again wrote to your memorialist as follows:

"I received your letter of the 30th Rubeeoossanee, on the subject of your not sending in the key of the place in Durya Mehal, saying that there was no property of the late Nawaub there; and in reply it is to be written to you, that I have ordered the native agent to call to-morrow at the Durya Mehal, and to open the door of the place where the things in question are kept; and taking down an inventory of the same, he shall bring it in my presence. You are hereby informed that should you deem it necessary to send any person on your part to look over, you may do so."

To which letter your memorialist replied on the 13th, as follows:

"Your letter of the 12th instant, No. 30, has been received (re-capitulates it), and in reply, with the utmost deference, I beg to state that the agent has no right upon Durya Mehal, I now very reluctantly send the keys of the place to him, according to his very pressing and imperative request."

10. Your memorialist, and the other members of the family of the late Nawaub, could not but feel how inconsistent this treatment at the hands of the Agent for the Honourable the Governor was with the expression of the Honourable the Court of Directors, in their letter to your memorialist, under date the 7th September 1844, in which the following passage occurs:

"While the Court must decline any discussion respecting the ground of their decision against the claims of Bukhtyaroonissa Begum to inherit the dignity and stipend of the late Nawaub of Surat, they are, I am directed to state, most desirous that the relations and connexions of his late Excellency should be not only liberally provided for, but treated with the consideration due to the high rank of the family of which Meer Afzuloodeen Khan was the last male representative."

11. Your memorialist, in order to avoid the disgrace of having his property violently seized by the Agent, was compelled to comply with the Agent's threatening demand. It has recently been ascertained, and proved before the Agent and Judge of Surat, that a considerable portion of the property valued at about 6,000 rupees was stolen by the peons selected by the Agent for its guard, in preference to its proper owners. The Agents having been repeatedly changed, were unable to take that personal care of it which your memorialist would have done had it remained in his own custody.

12. The officers of Government, on assuming the management of the estate of the Nawaub, and that of the private property of the widow and daughter of his late Excellency, let them at whatever rents they thought fit, while they were not at the trouble of taking that care of the gardens and estates which was essentially necessary for their preservation, and a very considerable loss has

has been in consequence sustained. Your memorialist has not yet examined the accounts of the whole of the property, but the following is a brief summary of the loss already sustained by your memorialist:

13. A village called Ooutyadra had been farmed out under a contract for the term of ten years, but the officers of Government rescinded the contract, by which a loss of rupees four thousand five hundred (4,500 rupees) has been sustained.

14. At the date of the proclamation under which the estates were seized, the arrears due from the farmers and tenants of the whole of the estates of the Nawaub and his family, of which information was given by your memorialist to the Agent for the Honourable the Governor, and by the Deewan of the late Nawaub to the subordinate officer (*i. e.*) the mamlutdar, amounted to rupees eighteen thousand three hundred and twenty-eight, and annas eleven; but the officers of Government were not at the trouble of collecting these arrears, and they may now be regarded as altogether lost.

15. In comparing the accounts of the rents received by the officers of Goverment with those of the two years preceding the seizure of the property, it has been ascertained that there has been an annual diminution, amounting in five years to rupees seven thousand and one hundred and fifty-three, and annas seven, and pies nine (*Rs.* 7,153. 7. 9.), in addition to which, the rents having been collected by the officers of Government in Company's Rupees, instead of the currency of Broach, in which they had been previously paid, a further loss of rupees one thousand seven hundred and fifteen, annas eleven, and pies seven (*Rs.* 1,715. 11. 7.) has been ascertained on that account.

16. The fruit trees and flowers in the gardens, from which a considerable revenue was derived, required a careful supervision, in order to compel the tenants to use them according to the rules of gardening, and to ensure their being regularly and sufficiently irrigated; but by the neglect of the officers of Government in that respect, a great number of valuable fruit trees and plants have withered, and been destroyed; and gardens which had been brought to maturity, and rendered productive at a greater expense, have been rendered comparatively worthless; but it would require a careful examination of the gardens to ascertain the extent of deterioration and diminution in value which have taken place in consequence of the seizure alluded to.

17. The proceeds of the late Nawaub's property, and that of the private property of his widow and daughters, since their seizure, has, as your memorialist believes, been received into the public treasury at Surat, and applied in payment of pensions to servants and dependants of the Nawaub's, at the pleasure of Government, when the money should have been invested at interest, as proposed by your memorialist, for the benefit of the parties who may ultimately be found entitled to receive it, or the creditors of the late Nawaub might have been paid their debts from his estate alone; and your memorialist would submit, that if any of the creditors should have to be paid interest on their debts, such interest should be paid by Government; and that for the surplus, five per cent. interest should be allowed.

18. That the Agent for the Honourable the Governor having thus possessed himself both of the property of the late Nawaub, and of much of the property of his family, issued a proclamation for all persons having any claims, to come forward and establish the same before him. Upon this, your memorialist, though respectfully protesting against the course the Agent had adopted, and was then pursuing, by which persons were, in fact, incited to make claims on the Nawaub's estate, and many dead and gone-by claims revived, submitted to the Agent statements of the rights and interests of himself and family in the property which had been seized.

19. That the Agent for the Honourable the Governor having made such investigations as he thought fit into the affairs of the Nawaub's estate, proceeded to Baroda, leaving all his papers and proceedings with Ardaseer Dhunjeeshah Bahadoor, of Surat, who had formerly been the native agent, but between whom and your memorialist considerable enmity then subsisted; and your memorialist has reason to believe that Ardaseer Dhunjeeshah Bahadoor forwarded to the

Agent comments upon your memorialist's claims, in order that the Agent might prepare his report, which, after the lapse of some months, was sent by the Agent from Baroda to the Honourable the Governor in Council.

20. That your memorialist having, at the request of the Agent, produced to him certain jewels (which had been given by the late Nawaub to your memorialist's son), in order that they might be identified by such persons whose statements the Agent desired to record, the Agent refused to allow your memorialist to take back his jewels, and they have been since detained from your memorialist, notwithstanding they had for several years previously been in your memorialist's possession; and they were shown, by the most undoubted testimony, to belong to your memorialist as the heir of his deceased son.

21. That your memorialist, on the 4th day of November 1846, received a letter from the acting Agent's successor to the above-mentioned Agent for the Honourable the Governor, an extract of which is as follows:

"No. 235 of 1846.—Political Department.

"I have the honour to communicate the decision of Government on the claims advanced by you for yourself, and on behalf of your children, to the private property of the late Nawaub of Surat, and upon the British Government.

"2. Regarding the various claims which have been advanced by the relations of the late Nawaub to share in the private property, these involve points of Mahomedan law, and have been referred to the judges of the Sudder Adawlut, in order that it may be ascertained whether the claims are in conformity with Mahomedan law and usage in this part of India.

"3. As respects the claim advanced by you on behalf of your two infant daughters to succeed to the wakayanigaree fees, or town duties, and taxes on trades and professions, I am directed to inform you that the claim to the continuance of these fees is untenable, and the payment of any sums formerly allowed to the late Nawaub in part compensation of these hucks, have been directed to be discontinued for the future; and all sums formerly granted by Government in compensation for any portion of these hucks, will cease to be paid from the date of his Excellency's death.

"4. Government have required a more detailed report in regard to the precise nature of the moghlai hucks held by the late Nawaub, and the decision on this claim will be communicated to you hereafter.

"5. As regards the claim to the continuance of exemption from the jurisdiction of the civil and criminal courts of justice under this Presidency, enjoyed by the relations and servants of the late Nawaub during his life, I am directed to inform you that this right ceased from the date of his death; and that the exercise of the right which the Nawaub possessed to dispense justice, has also become extinct in any but the ordinary courts of justice. These courts must, therefore, take cognizance of all matters which, during the life of the Nawaub, and the recognition of his dignity, would have been exempted from their jurisdiction.

"6. As, however, all contracts, and generally all money transactions entered into by his relations and dependents were not regulated by the provisions of the Bombay Code, since he was not bound in the exercise of his independent jurisdiction to administer justice according to its enactments, and that, consequently, the law of limitation on the time for prosecuting civil actions (Regulations V. of 1827), and the Regulation Acts (Regulation IX. of 1827, and Act I. of 1843), were in operation, and unheeded by those over whom his jurisdiction extended. The immediate application, therefore, of the restrictive provisions of these enactments to persons who previously were exempted from the jurisdiction of the civil and criminal courts become amenable to the Regulations on the death of the late Nawaub, would necessarily prove prejudicial to those whose cause of action was of a date which barred the suit from being entertained in the court; this subject is now under the consideration of Government."

That it appearing to your memorialist that the private property of himself and his family was to be disposed of upon the Agent's report, and that it was but

but reasonable that your memorialist should be allowed to know the grounds on which his rights and interests were to be determined, your memorialist applied to the Honourable the Governor in Council for a copy of the Agent's report; but his Honor in Council was pleased to inform your memorialist that his request could not be complied with.

22. That your memorialist, being thus uninformed of the principles on which it was proposed to administer the late Nawaub's estate; but it having been communicated to your memorialist as above-mentioned, that the claims of your memorialist had been submitted to the judges of the Sudder Adawlut, your memorialist was desirous of furnishing some information in support of his claims, when your memorialist was informed by the acting Agent for the Honourable the Governor, that your memorialist should himself submit the same to the court; but your memorialist has been unable to discover how the information is to be submitted, or that the claims of your memorialist have been referred to the judges in such a manner as to enable them to form a correct opinion on the subject; and your memorialist, therefore, trusts, that before any opinion of the judges of the Sudder Adawlut on the rights of your memorialist and his family is accepted as conclusive, your memorialist may be informed of the facts and circumstances laid before them for that opinion, and that your memorialist may have an opportunity of submitting whatever he may have to urge in support of his rights.

23. That your memorialist considers that his daughters are seriously aggrieved by the decision communicated to your memorialist in the letter above quoted respecting the fees invariably, previous to the afore-mentioned seizure, collected under the name of wakayanigaree fees, which your memorialist claimed in behalf of his daughters. These fees have been enjoyed by the family of the late Nawaub for nearly a century, and had been inherited by him on the death of his father, 20 years before his own decease. In consequence, however, of the heirs of an individual who had held the office of wakayanigaree about a century ago, preferring petitions to the Government of Bombay, laying claims to the fees attached to it, the late Nawaub's grandfather obtained a nominal sunnud from Delhi, conferring the office of wakayanigaree on the late Nawaub's father, and on the cession of Surat in 1800, the Honourable the Governor Duncan confirmed the sunnud by endorsing upon it, in his own handwriting, and recorded his own opinion on the subject, that it is apparent from the history of Surat, that at the time the sunnud was granted, the office of wakayanigaree, that is, a recorder of the public courts of Surat for the use of the court at Delhi, had no existence, and that its duties could not be discharged, as the court of Delhi had ceased to have any power at Surat, which had become tributary to the Mahrattas, and the Government of Delhi was quite unable to give effect to its sunnud, and which was merely resorted to as answer to the claims of the heirs of the person who had held the office when it was in existence.

24. Your memorialist further shows, in support of his claim, that in the year 1830, the Government of Bombay being desirous that some of the wakayanigaree fees collected by the late Nawaub should be relinquished, caused an investigation to be made into his rights, and finally it was arranged that a part of the fees should be relinquished on the Government guaranteeing to him and his descendants, from generation to generation, in both male and female lines, a fixed annual payment of rupees three hundred and twenty-five (325 rupees), in lieu of them; thus not only binding itself to this payment to the descendants of the late Nawab in perpetuity, but also acknowledging that the wakayanigaree fees were his private property, to which he and his descendants were entitled in perpetuity. Here your memorialist begs respectfully to insert the translation of the agreement passed between the late Nawaub and Mr. H. Borradaile, on the part of Government:

" God is Great!

" The fees of the office of wakayanigaree of the august port of Surat have been perpetually fixed upon the workhouses and tribes, &c., by his Majesty the shadow of God of old times of my ancestors; they are levied by my Sirkar. Being requested by the Sirkar of the Honourable Company, through Mr. Borradaile, the custom master, that as at this time by the Sirkar of the Honourable

Company several kinds of duties having been remitted, for the fees of my Sirkar, that is, of the Nawaub Meer Afzuloodeen Khan Kumrutdowla Hushmutzung Bahadoor upon the tribes and mekats, &c., as detailed below, Government will pay in ready cash; also in these days an order from the Governor in Council, dated 7th December 1829, has been issued, directing that the amount of 325 rupees (rupees three hundred and twenty-five) in ready cash, for this remission shall be paid to my Sirkar, generation after generation, in both male and female lines in perpetuity by the Honourable Company, commencing from the 1st January 1830 A.D.; but in case the Honourable Company resume its taxes upon the grain, &c., which are now abolished, my fixed fees which are stopped on account of the above remission shall, according to the old custom, be levied again by my Sirkar direct. The Government authority should therefore attach his signature upon this, in order that there may arise no dispute respecting the amount of three hundred and twenty-five rupees, mookat or town duties upon the following articles, and places, and tribes:

" Mangoes.	" Cocoanuts.
" Rice-beaters.	" Dry fruits.
" Jewellers.	" Fish.
" Chintz and red clothes dyers.	" Market for the sale of animals.
" Copper.	" Admiralty.
" Jagree.	" Grain market.

" Written on the 20th Rujub 1245 A.H., corresponding with 16th January 1830 A.D., according with the year Sumout 1886, the month of Poshwud, and Saturday.

(In English).

" Presented to me on the part of H. E. the Nawaub of Surat by his Deewan Meetharam Myaram, and assented to, under the orders of 7th December 1829, agreeably to arrangement therein sanctioned.

(signed) " *H. Borradaile,*
" Surat, 16 January 1830." " Acting Collector, Sea Customs."

25. And a further proof that these fees were always regarded as private property, your memorialist may adduce the fact, that four years seven months before the demise of the late Nawaub, the then Agent for the Honourable the Governor at Surat complained that the collection of the fees occasioned disputes between the servants of Government and the servants of the Nawaub, and proposed that the fees should be valued, and that the Nawaub should relinquish them, receiving their value in ready money; but the Nawaub objected, on the ground that such an arrangement would be inconsistent with his dignity and respectability, as the fees had been inherited from his ancestors; but he consented to give up the fees on receiving compensation in land, that it might devolve on his descendants as the fees would have done. Upon this the Agent consented to give land in lieu of the fees, but while negotiations were taking place with regard to the particular land to be given, the Nawaub died, and the negotiation came to an end.

26. That your memorialist not being informed of the ground on which the Government of Bombay declines to fulfil the engagement entered into with the late Nawaub, and deprives his family of the property which he and his ancestors possessed for nearly a hundred years, can only infer that the Government avails itself of the omission of words of inheritance in the sunnud above noticed; but your memorialist begs to point out that it was not the practice of the Court of Delhi to insert words of inheritance in sunnuds for office. One of the grantees of this kind, namely, the grand-daughter of Moolla Aboolfutteh, enjoys an immunity of this kind even in this city up to this day; and that if the terms of sunnuds rather than the circumstances under which property held at the time of the decay of the Moghul Empire are to be regarded, it is probable that all property acquired during the rule of the Kings of Delhi, would have to be restored to the possession of Government; but your memorialist respectfully showeth that the fees in question were in fact levied independently of the Court of Delhi, and were enjoyed as the hereditary private property of the late Nawaub's family for nearly a century, by the right of possession alone, with the

the acquiescence and sanction of the British Government since it obtained possession of Surat.

27. That your memorialist has not been informed of the result of the inquiries of the Honourable the Governor in Council respecting the mooghlai hucks and fees mentioned in the letter above quoted; but your memorialist begs respectfully to observe on this head, that mooghlai hucks are a well known description of private property in land held by many persons in Guzerat; and that your memorialist has never yet heard the least doubt cast upon the rights of the holders of property of that denomination to enjoy it as their own.

28. That Ameeroonissa Begum, the widow of the Nawaub, on the 18th of November 1846, was informed by the Agent for the Honourable the Governor, that a claim which she had preferred to the village of Oontyadra, was not allowed by Government; and your memorialist has since received the following letter from the Agent for the Honourable the Governor, dated 5th October 1847:

"With reference to my Persian letter to you of the 29th ultimo, on the subject of the Wugeefu village of Oontyadra, I am desired to inform you that Government has resolved to continue to withhold its recognition of the sale of the said village to his late Excellency the Nawaub of Surat; and that the Collector of Broach has been directed, unless some representative of the original grantee be forthcoming, to claim the village as an escheat to Government."

Your memorialist is thus informed that Government contemplates appropriating the village to itself, though the village was acquired by the widow and daughter of the late Nawaub under the following circumstances:

29. In the year 1831, the village of Oontyadra was purchased by the late Nawaub for his widow and daughters, and the deed of sale by the previous owners of it was made in favour of the Nawaub's widow and daughters, and in their names. It has been by your memorialist shown to the Agent, that Asiatic ladies, being generally unable to interfere in business, the rents of the village were received by the servants of the Nawaub, and were from time to time paid to the Nawaub's widow and daughters for their private purse; and it appeared that this purchase was at the time communicated to Government, and that the officers of Government had subsequently received the quit-rent annually from the Nawaub's servants, during a period of 11 years, the Government thus acknowledging the right of the Nawaub's family to the property as against Government. And your memorialist believes, that property of a similar character and tenure is daily bought and sold in Guzerat, without Government possessing any right to seize it; while, as regards the property in question, the purchase-deed being in the name of the Nawaub's widow and daughters, the Nawaub himself could have no claim on the property; his other relations therefore are out of the question entirely.

30. Your memorialist has thus briefly stated some of the proceedings of the late Agent for the Honourable the Governor, by which the descendants and the widow of the late Nawaub are to be deprived of their private property, and by which they would have been reduced to utter destitution if they had not been able to resort to the protection of your memorialist's father, whose rank and character had induced the late Nawaub to select your memorialist and his brother as the husbands of his daughters, when Government declined to sanction their alliance with the two princes of the Royal family of Delhi; and though the late Nawaub's father had received the most solemn assurances from the British Government that "his descendants from generation to generation would be maintained by that Government which never failed in its engagements," the descendants of the Nawaub were compelled to seek their support by borrowing money on the credit of your memorialist's father.

31. Your memorialist would not dwell upon the pain and vexation and loss of respect and reputation which has ensued from the proceedings of the late Agent, some of which are above narrated, nor does your memorialist expect that your Lordship in Council will be able to afford him redress, or decide on the rights of your memorialist and his family in a summary manner, your memorialist well knowing that they require the careful and patient investigation of some officer of Government, accustomed to the consideration of such questions; but

but your memorialist trusts it will be sufficiently apparent to your Lordship in Council, that no Act should be passed declaring that whatever has been done shall be deemed to be right, so that all inquiry and redress, even at the hands of the Agent specially constituted by the Act to administer justice shall be denied to your memorialist.

32. Your memorialist neither wishes that the rights of the family of the late Nawaub should be tried in the native courts of justice; but he confidently relies on the sense of justice of the Government for redress for any complaint which he may desire to make; and your memorialist therefore humbly prays that your Lordship in Council will be pleased to alter the second clause of the draft Act, so that the Agent may be at liberty to adjudicate on the claims of your memorialist and his family, in accordance with the principles of justice and right; and your memorialist respectfully submits for the consideration of your Lordship in Council the subjoined paragraph, to be substituted for the second clause of the proposed Acts:

That the estate and effects of the late Nawaub, and the administration thereof, shall be exempt from the jurisdiction of the civil courts of justice, and shall be under the authority of the Agent to be appointed (as aforesaid), but subject to the consent of Government, and that no action or suit shall be brought in any court of law for any act done by the Agent or other officer of the Governor in Council of Bombay at Surat, since the decease of the late Nawaub, respecting his estate and effects.

And your memorialist, as in duty bound, will ever pray.

Surat, Palace of the Nawaub, 14 April 1848. (signed) *Jafeer Alee.*

MINUTE by the Honourable *J. E. D. Bethune.*

Nawab of Surat, Estate and Family.

THIS is an anomalous case, in which my previous experience furnishes me with no guide.

I have not before me the treaty of 13th May 1800, with the late Nawab of Surat, but I gather from the preamble to the proposed Act, that the exemptions therein stipulated for ceased at his death, when his widows and family became, to all intents and purposes, Her Majesty's subjects.

I will not take on myself the responsibility of saying that we have no power to put such persons out of the pale of the law, and declare them amenable solely to the authority of the Governor of Bombay in Council, or of an Agent appointed by him; but I do not understand how it can be. Doubtless the expediency of this part of the measure, as well as the authority for passing it, were duly considered by the Government of Bombay before they forwarded the draft of the Act in question. The other part of the Act seems to me unobjectionable in principle. I have suggested some changes in the structure, as well as in the title of the Act, which now only applies to one of its objects, that of these changes explain themselves.

I think that if the exempting part of the Act is passed, it should specify the persons to be exempted, and not delegate that extraordinary power to the Government of Bombay.

The period of limitation in clause 3, ought to run from the passing of the Act; until then, all parties must have remained in suspense as to the intentions of Government.

3 May 1848. (signed) *J. E. D. Bethune.*

MINUTE by the Honourable *J. E. D. Bethune.*

Nawab of Surat.

SINCE writing my former minute on the proposed Act for the family of the Nawab of Surat, my attention has been drawn to Act I. of 1844, in the analogous case of the family of the Nabob of the Carnatic, which Act contains clauses which appear

appear to me far better suited to the intended purpose, *mutatis mutandis*, as follows :—

a. No writ or process shall be sued forth or prosecuted against the person, goods or property of the several persons named in the schedule annexed to this Act, being the widows and family of the said late Nuwab, or of any of them, unless with the consent of the Governor of Bombay in Council first had and obtained; such consent to be signified by the signature of the Secretary to Government, and any writ or process sued forth or prosecuted against the person, goods or property of the said several persons, or any of them, without such consent as aforesaid, shall be utterly null and void.

b. This Act shall not be construed to restrict the operation of the said treaty; and independently of this Act, the said several persons shall be entitled to claim, maintain, and enjoy any privilege to which, by virtue of the said treaty, they are or any of them is entitled.

9 May 1848. (signed) *J. E. D. Bethune.*

Minute by the Honourable *J. E. D. Bethune.*

I have altered the draft Act in the way agreed upon in Council. On reference to the limitations of Regulation V. of 1827 (Bombay Code), I found that they could not be expressed so simply as in Regulation II. of 1803 (Bengal Code). I believe, however, that what I have inserted meets Mr. Millett's views. Nawab of Surat.

As this Act has been so materially changed, might it not be prudent to return it to the Government of Bombay before passing it, for their observations?

I take it that there are no additional privileges secured by treaty, to which clause 5 can apply; but a similar clause is in the Nabob of the Carnatic's Act, and it is in principle right that it should be added.

22 May 1848. (signed) *J. E. D. Bethune.*

Fort William, Home Department, Legislative, 27 May 1848.

Amended Draft Act.

An Act for the Administration of the Estate of the late Nawab of Surat, and to continue Privileges to his Family.

Whereas it is expedient to provide for the administration of the estate of the late Nawab of Surat, Meer Ufzoolooddeen Khan, Kumrood Dowleh, Ushmut Jung Bahadoor: and whereas the exemption from the jurisdiction of the civil and criminal courts enjoyed by the said late Nawab and his relations and servants, by virtue of the treaty concluded between the East India Company and the said late Nawab on the 13th May 1800, recognized and confirmed by clause 2, section 21, Regulation II. of 1827, and clause 2, section 1, Regulation XI. of 1827, of the Bombay Code, ceased at the death of the said late Nawab, and it is deemed expedient that some of the said persons should continue to be privileged: It is enacted as follows:

1. No writ or process shall be sued forth or prosecuted against the person, goods, or property of the several persons named in the Schedule annexed to this Act, being the widows and family of the said late Nawab, or of any of them, unless with the consent of the Governor of Bombay in Council first had and obtained, such consent to be signified by the signature of one of the Secretaries to Government; and any writ or process sued forth or prosecuted against the person, goods, or property of the said several persons, or any of them, without such consent as aforesaid, shall be utterly null and void.

2. The Governor of Bombay in Council is empowered to act in the administration of the property of whatever nature, left by the late Nawab of Surat, in

regard to the settlement and payment of the debts and claims standing against the estate of the said late Nawab at the time of his death, and to make distribution of the remaining property among his family; and no act of the said Governor of Bombay in Council, in respect to the administration to, and distribution of such property, from the date of the death of the said late Nawab, shall be liable to be questioned in any court of law or equity.

3. The limitation of time for bringing suits in the civil courts, provided in Regulation V. of 1827, of the Bombay Code, shall be held in respect to all persons within the provisions of clause 2, section 21, of the said Regulation II. of 1827, to begin, as to all causes of action arising before the passing of this Act, from the day of the passing of this Act, subject to this provision, that no suit by or against any of the said persons shall be entertained in any civil court on account of any cause of action which arose at a time preceding the death of the said late Nawab by more than the number of years or months severally limited with reference to such cause of action by the said Regulation V. of 1827, as the period within which the suit must be filed after such cause of action arose or came to the knowledge of the plaintiff, as the case may be.

4. Deeds registered under the provisions of any Act passed by the Governor-general of India in Council, shall not, on the sole ground of priority of registration, invalidate deeds which may be duly registered within six months from the day of the passing of this Act, by any persons within the provisions of the said clause 2, section 21, of Regulation II. of 1827, provided that such last-mentioned deed relates to property conveyed to the owner before the day of the passing of this Act.

5. This Act shall not be construed to restrict the operation of the said treaty; and independently of this Act the said several persons shall be entitled to claim, maintain, and enjoy any privilege to which by virtue of the said treaty they or any of them may be entitled.

SCHEDULE.

1. Badshah Begum - - - -	Widow - -	of the late Nawab.
2. Ameerool Nissa Begum -	Widow - -	
3. Meer Jaffir Ali - - - -	Son-in-law -	
4. Zeeaool Nissa Begum - -	Grand-daughter	
5. Raheemool Nissa Begum -	Grand-daughter	
6. Meer Mooeenoodeen Khan -	Buckshee.	
7. Meer Kumroodeen Unlud Shumsoodien.		

No. 428.

Home Department.—Legislative.

LETTER from *G. A. Bushby*, Esq., Secretary to the Government of India in the Home Department, to *A. Malet*, Esq., Chief Secretary to the Government of Bombay.

Sir,

I AM directed to forward, for submission to the Right honourable the Governor in Council, the accompanying amended draft Act "for the Administration of the Estate of the late Nawab of Surat, and to continue Privileges to his Family," and to request that his Lordship in Council will have the goodness to favour the Supreme Government with any observations or suggestions on its provisions which may appear to be necessary.

2. It will be observed, that amendments have been made in sections 3 & 4, since the reading on the 5th of February, besides other verbal alterations. The clauses relating to privileges, are modelled on Act I. of 1844.

3. I am directed to take the opportunity of transmitting, for such notice as it may seem to deserve, the copy of a petition from Meer Jaffir Ali Khan.

I have, &c.

Fort William, 27 May 1848.

(signed) *G. A. Bushby*,
Sec. to the Government of India.

No. 132 of 1848.

LETTER from *A. Malet*, Esq., Chief Secretary to the Government of Bombay, to *G. A. Bushby*, Esq., Secretary to the Government of India, Fort William.

Sir,

I AM directed by the Right honourable the Governor in Council to acknowledge the receipt of your letter, dated the 27th May last (No. 428), forwarding an amended draft Act, "For the administration of the Estate of the late Nawab of Surat, and to continue Privileges to his Family;" and to transmit to you, for submission to the Right honourable the Governor-general of India in Council, an extract from the proceedings of this Government, as per margin,* on the subject.

Vide Note at foot of page.

2. In forwarding these documents, I am desired to state, that, in the opinion of his Lordship in Council, the preamble of the amended draft Act appears in several respects preferable to that of the original draft, as setting forth more fully the objects of the proposed enactment.

3. Article 1 of the amended draft does not, like the corresponding article of the original draft, confer upon the widows, relatives, and connexions of the late Nawab, a positive and unqualified exemption from the jurisdiction of the Honourable Company's courts in civil and criminal matters, but only a general exemption, capable of being revoked or held in abeyance from time to time, at the pleasure of the Governor in Council of Bombay.

4. No provision moreover is made, as in the original draft, as to the tribunal to which in civil and criminal matters the parties exempted from the ordinary tribunals, shall be amenable. The proposed amended article is in substance the same as Article 2, of Act I. of 1844, being "An Act for securing certain immunities and privileges to his Highness the Nawab of Carnatic, his Family and Retinue." This Act the Right honourable the Governor in Council presumes is intended to convey in perpetuity certain privileges on the Nawab of the Carnatic, his family and retainers. Whereas it is contemplated that the privileges to be conferred on the family and connexions of the late Nawab of Surat, shall terminate with their lives. In the former case, it would appear requisite that the privilege should, on sufficient cause existing, be capable of being suspended at the pleasure of Government, but in the latter case, as already determined in the cases of the families of the late chiefs of Colaba and Mandavie, it would, his Lordship in Council conceives, be proper that the exemption should not be capable of being interfered with.

5. Article 2 of the amended draft Act is in substance the same as Article 2 of the original draft.

6. Article 3, I am desired to observe, materially differs from the same article of the original draft, since, as appears to Government, it contemplates giving ordinary courts of the Honourable Company the power of jurisdiction in certain cases, arising in the interval between the death of the late Nawab and the passing of the Act. It occurs to his Lordship in Council, however, that as the delay in the passing of the Act has arisen from unavoidable causes, and not by any fault of the family of the deceased, the privilege of exemption from the ordinary tribunals of the Honourable Company should be declared to have full effect for the entire period intervening between the date of his death, until the passing of the Act. If the Right honourable the Governor-general of India should resolve to amend this article to the extent above specified, a similar amendment, I am desired to observe, will be requisite at the close of Article 4.

7. His Lordship in Council does not consider Article 5 of the amended draft to be requisite, since the treaty with the late Nawab of Surat has, by his death

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* 1. Minute by the Right honourable the Governor, dated the 23d June last, subscribed to by the Honourable Mr. Willoughby.
2. To the Acting Registrar of the Sudder Adawlut, dated 27th June last, No. 2675.
3. To the Agent for the Honourable the Governor at Surat, dated the 27th June last, No. 2676.
4. From the Acting Register of the Sudder Adawlut, dated the 4th instant, No. 1963.
5. From the Agent for the Honourable the Governor at Surat, dated the 5th instant, No. 210.

death without legitimate male issue, and the consequent extinction of the title and dignity of Nawab, become obsolete.

8. In conclusion, I am desired to request that you will solicit the attention of the Right honourable the Governor-general of India in Council to my letter, dated the 10th April last, No. 66, on the subject of Meer Jaffer Allee's Memorial to his Lordship in Council, of the 14th of the same month, and to observe, that this Government has no remark to offer on that memorial, except that the opinion expressed in my letter above alluded to remains unchanged.

I have, &c.

Bombay Castle,
28 July 1848.

(signed) *A. Malet*, Chief Secretary.

No. 2675 of 1848.—Political Department.

LETTER from *A. Malet*, Esq., Chief Secretary to Government, Bombay, to *M. Larken*, Esq., Acting Registrar to the Sudder Adawlut.

Sir,

WITH reference to your letter, No. 1225, dated the 12th May 1847, and to the proposed Act for the administration of the estate of the late Nawab of Surat, read before the Legislative Council of India on the 5th February last, I am directed to transmit to you the accompanying extract, paragraphs 1 and 2, from a letter from the Secretary to the Government of India, No. 428, dated the 27th ultimo, and copy of the amended Act therewith submitted, and to request that the Judges of the Sudder Adawlut will have the goodness to favour the Right honourable the Governor in Council with any observations or suggestions on its provisions which may occur to them.

I have, &c.

Bombay Castle,
27 June 1848.

(signed) *A. Malet*, Chief Secretary.

(True copy.)

(signed) A. Malet, Chief Secretary.

No. 2676 of 1848.—Political Department.

LETTER from *A. Malet*, Esq., Chief Secretary to Government, Bombay, to *W. C. Andrews*, Esq., Agent for the Right honourable the Governor at Surat.

Sir,

WITH reference to the draft Act read before the Legislative Council of India on the 5th February last, for the administration of the estate of the late Nawab of Surat, I am directed to transmit to you the accompanying extract, paragraphs 1 and 2, from a letter from the Secretary to the Government of India, No. 428, dated the 27th ultimo, and copy of the amended Act therewith submitted, and to request that you will have the goodness to favour the Right honourable the Governor in Council as soon as practicable with any observations or suggestions on its provisions which may occur to you.

I have, &c.

Bombay Castle,
27 June 1848.

(signed) *A. Malet*, Chief Secretary.

(True copy.)

(signed) A. Malet, Chief Secretary.

MINUTE by the Right honourable the Governor, concurred in by the Honourable Mr. *Willoughby*.

1. The draft Act now forwarded by the Government of India differs in many respects from the one prepared by this Government, and which was read for the

the first time before the Legislative Council on the 5th February last. These differences are as follow:

Draft Act, as read on the 5th February last.	Draft as now proposed to be amended by the Government of India.
Fort William,—Home Department, Legislative, the 5th February 1848.	Fort William,—Home Department, Legislative, the 27th May 1848.
The following draft of a proposed Act was read in Council for the first time on the 5th of February 1848:	
Act No. of 1848.	Amended Draft Act.
An Act for the Administration of the Estate of the late Nawab of Surat.	An Act for the Administration of the Estate of the late Nawab of Surat, and to continue Privileges to his Family.
Whereas it is expedient to provide for the administration of the estate of the late Nawab of Surat, Meer Ufzoolooddeen Khan, Kumrood Dowleh, Ushmut Jung, Bahadoor: and whereas the exemption from the jurisdiction of the civil and criminal courts enjoyed by certain persons under the provisions of clause 2, section 21, Regulation II. of 1827, and clause 2, section 1, Regulation XI. of 1827 of the Bombay Code, ceased and determined at the death of the said late Nawab, and it is deemed desirable to continue such privilege to some of the said persons:	Whereas it is expedient to provide for the administration of the estate of the late Nawab of Surat, Meer Ufzoolooddeen Khan, Kumrood Dowleh, Ushmut Jung, Bahadoor: and whereas the exemption from the jurisdiction of the civil and criminal courts enjoyed by the said late Nawab, and his relations and servants, by virtue of the treaty concluded between the East India Company and the said late Nawab on the 13th May 1800, recognized and confirmed by clause 2, section 21, Regulation II. of 1827, and clause 2, section 1, Regulation XI. of 1827, of the Bombay Code, ceased at the death of the said late Nawab, and it is deemed expedient that some of the said persons should continue to be privileged, it is enacted as follows:
1. It is hereby enacted, that the Governor of Bombay in Council shall be and is hereby empowered, to exempt from the jurisdiction of the civil and criminal courts, the widows and such of the present relatives of the late Nawab of Surat as may to him seem proper, and to declare the persons so exempted amenable to the authority of an agent, whom he may appoint for this purpose.	1. No writ or process shall be sued forth or prosecuted against the person, goods or property of the several persons named in the Schedule annexed to this Act, being the widows and family of the said late Nawab, or of any of them, unless with the consent of the Governor of Bombay in Council first had and obtained, such consent to be signified by the signature of one of the Secretaries to Government; and any writ or process sued forth or prosecuted against the person, goods or property of the said several persons, or any of them, without such consent as aforesaid, shall be utterly null and void.
2. And it is hereby enacted, that it shall be competent to the Governor in Council of Bombay to act in the administration of the property of whatever nature left by the late Nawab of Surat, in regard to the settlement and payment of the debts and claims standing against the estate of the said late Nawab at the time of his demise, and to make distribution of the remaining property among his family, and that all acts of the said Governor in Council of Bombay, in respect to such property, from the date of the demise of the said late Nawab, shall be held to be valid and not liable to be questioned in any court of law.	2. The Governor of Bombay in Council is empowered to act in the administration of the property of whatever nature left by the late Nawab of Surat, in regard to the settlement and payment of the debts and claims standing against the estate of the said late Nawab at the time of his death, and to make distribution of the remaining property among his family; and no act of the said Governor of Bombay in Council, in respect to the administration to and distribution of such property, from the date of the death of the said late Nawab, shall be liable to be questioned in any court of law or equity.
3. And it is further enacted, that the limitation of time for filing claims in the civil courts, provided in the said Regulation V. of 1827, shall be held in respect to all persons who are exempted from the jurisdiction of the civil courts by the provisions of clause 2, section 21, of the said Regulation II. of 1827, to commence from the 8th day of August 1842,	3. The limitation of time for bringing suits in the civil courts, provided in Regulation V. of 1827, of the Bombay Code, shall be held in respect to all persons within the provisions of clause 2, section 21, of the said Regulation II. of 1827, to begin, as to all causes of action arising before the passing of this Act, from the day of the passing of this Act;

Draft Act, as read on the 5th February last.	Draft as now proposed to be amended by the Government of India.
1842, being the date of the demise of the said late Nawab.	Act; subject to this provision, that no suit by or against any of the said persons shall be entertained in any civil court on account of any cause of action which arose at a time preceding the death of the said late Nawab, by more than the number of years or months severally limited with reference to such cause of action by the said Regulation V. of 1827, on the period within which the suit must be filed after such cause of action arise or came to the knowledge of the plaintiff, as the case may be.
4. And it is further enacted, that deeds registered under the provisions of any Act passed by the Governor-general in Council of India, shall not, on the sole ground of priority of registration, invalidate deeds which may be duly registered within six months from the promulgation of this Act, by any persons distinctly exempted under the said clause 2, section 21, of Regulation II. of 1827, provided such deed shall relate to property conveyed to the owner prior to the date of the demise of the said late Nawab.	4. Deeds registered under the provisions of any Act passed by the Governor-general of India in Council, shall not, on the sole ground of priority of registration, invalidate deeds which may be duly registered within six months from the day of the passing of this Act, by any persons within the provisions of the said clause 2, section 21, of Regulation II. of 1827, provided that such last-mentioned deed relates to property conveyed to the owner before the day of the passing of this Act.
	5. This Act shall not be construed to restrict the operation of the said treaty; and, independently of this Act, the said several persons shall be entitled to claim, maintain, and enjoy any privilege to which, by virtue of the said treaty, they, or any of them, may be entitled.

Ordered, that the draft now read be published for general information.

Ordered, that the said draft be re-considered at the first meeting of the Legislative Council of India, after the 5th day of May next.

(signed) *G. A. Bushby*,
Secretary to the Government of India.

Schedule.

1. Badshah Begum	Widow	of the late Nawab.
2. Ameerool Nissa Begum	ditto	
3. Meer Jaffer Alli	Son-in-law	
4. Zeeaool Nissa Begum	Grand-daughter	
5. Raheemool Nissa Begum	ditto	
6. Meer Mooeenoodeen Khan	Buckshee.	
7. Meer Kumroodeen Valud Shumsoodeen.		

(True copy.)
(signed) G. A. Bushby,
Secretary to the Government of India.

2. The preamble of the amended draft Act appears to me to be in several respects preferable to that of the original draft, as setting forth more fully the objects of the proposed enactment.

3. Article 1 of the amended draft does not, like the same article of the original draft, confer upon the widows, relatives and connexions of the late Nawab a positive and unqualified exemption from the jurisdiction of the Honourable Company's courts, in civil and criminal matters, but only a general exemption, capable of being revoked or held in abeyance, from time to time, at the pleasure of the Governor in Council of Bombay.

4. No provision, moreover, is made, as in the original draft, as to the tribunal to which, in civil and criminal matters, the parties exempted from the ordinary tribunals shall be amenable. The proposed amended article is, in substance, the same as Article 2 of Act I. of 1844, being " An Act for securing certain Immunities

nities and Privileges to his Highness the Nawab of the Carnatic, his Family and Retinue." This Act, I presume, is intended to convey, in perpetuity, certain privileges on the Nawab of the Carnatic, his family and retainers; whereas, it is contemplated that the privileges to be conferred on the family and connexions of the late Nawab of Surat, shall terminate with their lives. In the former case, it would appear requisite that the privilege should, on sufficient cause existing, be capable of being suspended at the pleasure of Government; but in the latter case, as already determined in the cases of the families of the late Chiefs of Colaba and Mandavie, it would, I conceive, be proper that the exemption should not be capable of being interfered with.

5. Article 2 of the amended draft Act is in substance the same as Article 2 of the original draft.

6. Article 3 materially differs from the same article of the original draft, since, as appears to me, it contemplates giving our ordinary courts the power of jurisdiction in certain cases arising in the interval between the death of the late Nawab and the passing of the Act. It occurs to me, however, that, as the delay in the passing of the Act has been occasioned by Government, and not by any fault of the family of the deceased, the privilege of exemption from our ordinary tribunals should be declared to have full effect for the entire period intervening between the date of his death until the passing of the Act. If the Government of India should resolve to amend this article to this extent, a similar amendment will, I presume, be requisite at the close of Article 4.

7. Article 5 of the amended draft is new, and is in substance the same as Article 6 of Act I. of 1844, to which I have already alluded. I do not conceive this proposed additional article to be requisite, since the treaty with the late Nawab of Surat has, by his death without legitimate male issue, and the consequent extinction of the title and dignity of Nawab, became obsolete.

8. I would suggest that without communicating these views to the Sudder Adawlut, the proposed amended Act be referred to the Judges, with a request that they will favour us with any observations or suggestions on its provisions which may occur to them. A similar reference may be confidentially made to the Agent for the Governor of Surat.

9. We have already received from Meer Jaffer Allee a transcript of his memorial to the Right honourable the Governor-general of India in Council, dated the 14th April last. The principal object of this memorial appears to be to obtain a modification to the effect therein solicited, of Article 2 of the original draft Act, and as, on the 10th April last, we informed the Government of India, that we did not consider it expedient to comply with this request, that authority may be informed that we have no remark to offer in regard to this memorial, except to observe that this opinion remains unchanged.

(signed) *Falkland.*
23 June 1848. *J. P. Willoughby.*

(True copy.)
(signed) A. Malet, Chief Secretary.

No. 1963 of 1848.

LETTER from *M. Larken*, Esq., Acting Registrar, to *A. Malet*, Esq., Chief Secretary to Government, Political Department, Bombay.

Sir,

I HAVE the honour, by direction of the Court of Sudder Dewanee Adawlut to acknowledge the receipt of your letter No. 2675, dated the 27th ultimo, and to state in reply that they have no objection to offer to the amended draft Act referred therewith for the administration of the late Nawab of Surat, &c.

Present—
A. Bell, Esq.
B. Hutt, Esq.
and
G. Grant, Esq.

I have, &c.
(signed) *M. Larken,*
Bombay, Sudder Dewanee Adawlut, Acting Registrar.
4 July 1848.

(True copy.)
(signed) A. Malet, Chief Secretary.

No. 210 of 1848.

LETTER from *W. C. Andrews*, Esq., Agent for the Right honourable the Governor at Surat, to *A. Malet*, Esq., Chief Secretary to Government, Bombay.

Sir,

I HAVE the honour to acknowledge the receipt of your letter No. 2676, dated 27th ultimo, forwarding an extract, being paras. 1 and 2 from a letter from the Secretary to the Government of India, No. 428, dated 27th May last, and copy of the amended draft Act therewith submitted, and desiring me to submit to Government any observations or suggestions on its provisions that may occur to me.

2. In obedience to these instructions, I beg respectfully to submit the following observations:

1st. Section 1 of the amended draft Act appears to me defective, in so far as it does not declare to what authority or tribunal the parties to whom the privilege of exemption from the jurisdiction of our civil and criminal courts is continued, are to be amenable.

2d. The provisions of section 3 of the draft Act, read on the 5th February last, which declare the limitation of time for the purposes therein set forth, to commence from the date of the death of the late Nawab, appear to me to be more appropriate to the existing circumstances already put in clause 2, section 21, of Regulation II. of 1827, than those of the corresponding section of the amended draft, which would make the date of the passing of this Act the period from which the limitation of time should be calculated. I see no objection to the proviso which is introduced at the close of the 3d section of the amended draft.

3d. With regard to section 4 of the amended draft, I beg respectfully to observe, that, with the exception of the mere verbal differences, I think the provisions of the corresponding section of the draft read on the 5th February last preferable, for reasons similar to those expressed in my observations on the preceding section.

4th. The provisions of section 5 of the amended draft appear to me to be superfluous, as I am not aware that the several persons included in clause 2, section 21, of Regulation II. of 1827, and clause 2, section 1, of Regulation XI. of 1827, of the Bombay Code, besides those whose privileges are continued to them by this proposed enactment, possess or are entitled to claim, maintain and enjoy any privilege in virtue of the treaty therein alluded to, independently of this Act, and the introduction of this section into the Act might therefore hereafter prove troublesome, if not mischievous.

Surat, Office of Agent for the Right hon. the Governor, 5 July 1848.

I have, &c.
(signed) *W. C. Andrews*, A. G.

(True copy.)
(signed) A. Malet, Chief Secretary.

MINUTE by the Honourable *J. E. D. Bethune*.

Nuwab Surat.

THE Government of Bombay object to the clause proposed to be substituted for the first clause in the draft Act submitted by them, and remark that it is defective, in not containing, as the original clause did, a provision as to the tribunal to which, in civil and criminal matters, the parties exempted from the ordinary tribunals shall be amenable: I apprehend none such is necessary.

According to the proposed clause (which is copied with slight verbal changes from Act I. of 1844, relating to the Nawab of the Carnatic), the privileged person will enjoy entire exemption from all law, unless by leave of the Governor of Bombay. The practical operation of this enactment, as I conceive, will be, that the Governor, or his Agent, will remonstrate with them in all cases of wrongful acts, and, if necessary, enforce restitution or amends by the threat of allowing

allowing the law to take its course against them. This is intelligible. The clause, as originally proposed, is full of difficulty. The privileged persons are to be exempted from the jurisdiction of the civil and criminal courts, and amenable to the authority of an Agent of the Governor of Bombay. It deserves to be noticed that clause 2, chapter 1, Regulation XI. of 1827, of Bombay Code, which has furnished the model for this clause, went further than the treaty which it professed to confirm.

Article 7 of that treaty (quoted in Appendix (A.) to Regulation XI. of 1827), provided only that complaints against the relatives or servants of the Nawab should be referred, in the first instance, to him for justice; and it might be inferred, that if he failed to order an investigation, and carry the sentence into execution as there provided, it was intended that the jurisdiction of the ordinary tribunals should be let in; but that was altogether ousted by the Regulation. It is now proposed that the Governor's Agent is to exercise jurisdiction over these persons, according to what law? If Meer Jaffur Ali assaults or murders a British subject, how is the Agent to try him? what sentence is he to pronounce? how is it to be executed? Or, on the other hand, if an assault is committed on him by a British subject, is it intended that this also should be cognizable by the Agent? It cannot be by the courts, which cannot summon him as a witness, or tender an oath to him. So in civil suits, these parties deal with other unprivileged persons; they buy or sell land. Is every suit to be stopped in which their interest is directly or indirectly concerned? These are some of the difficulties which lie on the surface of the clause as proposed by the Bombay Government. It is to be observed, that the court of Sudder Dewanny at Bombay, to whom the Governor directed the Act to be referred, without any intimation of the opinion of his Lordship in Council, reply that they have no objection to make to it.

The dates fixed on in the amended draft in clauses 3, 4, are such as appeared to Mr. Millet and me to meet most accurately the justice of the case, after considerable discussion.

The Government of Bombay think they stood better as they were. The subject is rather intricate; but, as at present advised, I see no reason to doubt the soundness of the amendments made by the Legislative Council.

If, on reading the observations of the Government of Bombay, the Governor-general, or any other member of Council, shall see reason to think we have been mistaken, I hope I shall be open to conviction. I own that I do not thoroughly understand the suggestion that, if our dates are adopted, a further correction is needed at the end of clause 4.

The Government of Bombay observe that clause 5 is useless, and may hereafter prove mischievous, by giving rise to an unfounded idea that any part of the treaty survived after the death of the Nawab.

I proposed it only by way of protestation, that this Act was not an infringement of any arrangement formerly entered into by the Company; but I think there is force in the observation of the Government of Bombay, and that it had better be omitted.

12 August 1848. (signed) *J. E. D. Bethune.*

No. 677.

LETTER to *A. Malet*, Esq., Chief Secretary to the Government of Bombay.

Sir,

I AM directed to acknowledge the receipt of your letter, No.132, dated the 28th ultimo, with enclosures, and in reply to state, that the Governor-general in Council having maturely considered the objections offered by the Right honourable the Governor in Council to the amended draft Act, "For

the Administration of the Estate of the late Nawab of Surat, and to continue Privileges to his Family," the Act has this day been passed as No. XVIII. of 1848, with the further amendments which will be found therein.

I have, &c.

Fort William,
26 August 1848.

(signed) *G. A. Bushby*,
Secretary to the Government of India.

Act No. XVIII. of 1848.

Passed by the Governor-general of India in Council, on the 26th August 1848.

AN ACT for the Administration of the Estate of the late Nawab of Surat, and to continue Privileges to his Family.

Whereas it is expedient to provide for the administration of the estate of the late Nawab of Surat, Meer Ufzoolooddeen Khan, Kumrood Dowleh, Ushmut Jung, Bahadoor: and whereas the exemption from the jurisdiction of the civil and criminal courts enjoyed by the said late Nawab and his relations and servants, by virtue of the treaty concluded between the East India Company and the said late Nawab on the 13th May 1800, recognised and confirmed by clause 2, section 21, Regulation II. 1827, and clause 2, section 1, Regulation XI. 1827, of the Bombay Code, ceased at the death of the said late Nawab, and it is deemed expedient that some of the said persons should continue to be privileged; It is enacted as follows:

1. No writ or process shall be sued forth or prosecuted against the person, goods or property of the several persons named in the Schedule annexed to this Act, being the widows and family of the said late Nawab, or of any of them, unless with the consent of the Governor of Bombay in Council first obtained; such consent to be signified by the signature of one of the Secretaries to Government; and any writ or process sued forth or prosecuted against the person, goods or property of the said several persons, or any of them, without such consent as aforesaid, shall be utterly null and void.

2. The Governor of Bombay in Council is empowered to act in the administration of the property of whatever nature left by the late Nawab of Surat, in regard to the settlement and payment of the debts and claims standing against the estate of the said late Nawab at the time of his death, and to make distribution of the remaining property among his family; and no act of the said Governor of Bombay in Council, in respect to the administration to and distribution of such property, from the date of the death of the said late Nawab, shall be liable to be questioned in any court of law or equity.

3. The limitation of time for bringing suits in the civil courts, provided in Regulation V. 1827, of the Bombay Code, shall be held, in respect of all persons within the provisions of clause 2, section 21, of the said Regulation II. 1827, to begin, as to all causes of action arising before the passing of this Act, from the day of the passing of this Act, subject to this provision, that no suit by or against any of the said persons shall be entertained in any civil court, on account of any cause of action which arose at a time preceding the death of the said late Nawab by more than the number of years or months severally limited, with reference to such cause of action, by the said Regulation V. 1827, as the period within which the suit must be filed after such cause of action arose, or came to the knowledge of the plaintiff, as the case may be.

4. Deeds registered under the provisions of any Act passed by the Governor-general of India in Council shall not, on the sole ground of priority of registration, invalidate deeds which may be duly registered within six months from the day of the passing of this Act, by any persons within the provisions of the said clause 2, section 21, Regulation II. 1827, provided that such last-mentioned

tioned deed relates to property conveyed to the owner before the day of the passing of this Act.

SCHEDULE.

1. Badsah Begum - - - -	Widow - -	of the late Nawab.
2. Ameerool Nissa Begum - -	Widow - -	
3. Meer Juffer Ali - - - -	Son-in-law -	
4. Zeeaool Nissa Begum - -	Grand-daughter	
5. Ruheemool Nissa Begum -	Grand-daughter	
6. Meer Moeenoodeen Khan Buckshee.		
7. Meer Kumroodeen Unlud Shumsooddeen.		

(True copies.)

(signed) *J. S. Mill,*
Examiner of India Correspondence.

East India House,
28 May 1857.

EAST INDIA (NAWÁB OF SURAT).

COPY of MINUTES of the MEMBERS of COUNCIL of the Government of India in Consultation on Act XVIII. of 1848, relating to the Property of the late NAWAB of SURAT.

(*Sir FitzRoy Kelly.*)

Ordered, by The House of Commons, *to be Printed,*
4 *June* 1857.

71—Sess. 2.

Under 4 *oz.*

EAST INDIA (OPIUM).

FURTHER RETURN to an Order of the Honourable The House of Commons, dated 21 July 1856;—*for*,

I. RETURN "of the CHARGES to the *East India* Government incurred in the Growth and Monopoly of OPIUM, specifying Salaries of all Descriptions, the Cost of Manufacture, of Sales, of Transport to *Calcutta*, Warehouse Rent, and other Expenditure, for Ten Years, including the last Year in which Returns are complete:"

II. "Like RETURN, showing the Amount of ADVANCES under the following Heads,—Outstanding Balances, including Interest, at the Commencement of Year; Sums received in Cash on account of Balances; Sums struck off as irrecoverable; Contract Price paid to Cultivator; Advances during the Year; and Outstanding Claims at the End of the Year:"

III. "Like RETURN of LOSSES incurred on bad or insecurely packed Opium, including Drawbacks allowed to Purchasers:"

IV. "Like RETURN of the Value of the HOUSES, STOCK, &c., available to Government, if the Monopoly were abolished:"

V. "Like RETURN of the CHARGES to the *East India* Company on the Opium manufactured in NATIVE STATES, and transmitted to Ports of Exportation in the Company's Territories:"

VI. "And, like ABSTRACT RETURN of the Gross and Net RECEIPTS received by the Company's Treasury."

East India House,
11 May 1857.

JAMES C. MELVILL.

Note.—These Papers complete the Order of 21st July 1856.

(*Sir Erskine Perry*).

Ordered, by The House of Commons, *to be Printed,*
15 *May* 1857.

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East India House,
11 May 1857.

J. S. MILL,
Examiner of India Correspondence.

RETURNS relating to the Growth, &c., of OPIUM.

Home Department, Separate Revenue.—(No. 2 of 1857.)

To the Honourable the Court of Directors of the East India Company.

Honourable Sirs,

With reference to the third paragraph of our letter, No. 44, dated the 5th December, 1856, we have the honour to transmit a copy of a letter, dated the 6th instant, from the Government of Bengal, and of its enclosures, viz.:—

1. A letter from the Board of Revenue, dated the 31st December 1856, giving cover to,

2. A return submitted by the opium agent of Behar, of the expenditure, balances, losses, and dead stock of the agency, for a period of 10 years, or from 1845-46 to 1854-55; and,

3. A statement of the valuation by the civil architect of the presidency opium godowns.

We have, &c.

(signed) *Canning.* *J. P. Grant.*
J. Dorin. *B. Peacock.*
J. Low.

Fort William, 14 January 1857.

(No. 5.)

From the Secretary to the Government of Bengal to the Secretary to the Government of India, Home Department.

Sir, Fort William, 6 January 1857.

In continuation of my letter, No. 606, dated the 27th of November, I am directed to forward herewith a copy of a letter, No. 789, dated the 31st ultimo, from the Officiating Junior Secretary to the Board of Revenue, together with a statement of the valuation of the presidency opium godowns, and a return submitted by the opium agent of Behar, of the expenditure, balances, losses, and dead stock of the agency, for a period of 10 years, from 1845-46 to 1854-55. Mis. Revenue. (Opium.)

I have, &c.

(signed) *W. Grey*, Sec^{y} to the Gov^{t} of Bengal.

(No. 789.)

From the Officiating Junior Secretary to the Board of Revenue to the Secretary to the Government of Bengal.

Sir, Fort William, 31 December 1856.

In continuation of my letter, No. 696, dated the 19th November last, I have the honour, by direction of the Board of Revenue, to transmit the accompanying statement prepared by the opium agent of Behar, containing additional information to that already submitted on the points referred to in paragraph 4 of the Order of the House of Commons, dated 31st July 1856. (Opium.) W. Dampier and H. Stainforth, Esqrs.

2. It will be seen that the receipts and expenditure of the opium monopoly for the last 10 years, as exhibited in the agent's statement, are not identical with the figures in the accountant's statement previously forwarded to you. The Board have communicated, in a demi-official form, with the accountant regarding these discrepancies, which, however, cannot be reconciled. The Board assume, therefore, the accountant's statement to be the correct one, and would refer the Government only to the agents for the value of the buildings, &c., belonging to the Patna agency.

3. A similar statement of valuation of the Government buildings in the Benares agency is still due from Mr. Hamilton, who has been again this day requested to forward it without delay, as the Board have had no reply from that officer to their two previous communications on the subject.

4. A return showing the value of the presidency godowns prepared by the civil architect is also forwarded.

I have, &c.

(signed) *C. S. Belli*, Officiating Junior Sec^{y}

STATEMENT of all the EXPENSES incurred in the Growth and Manufacture of OPIUM at the *Behar* Agency for the past by Wreck of Boats, or other Causes, and the VALUE of the PUBLIC BUILDINGS, and other MATERIALS, comprising

1. YEARS.	2. Quantity of Opium produced for which Price is paid.	3. Amount Advanced for the Growth of Poppy.	4. Contract Price paid to Cultivators per Seer.	5. Value of Opium in Column 2.	6. Value of Poppy Leaves used.	7. Value of Poppy Trash.	8. Amount of Fixed Establishment.	9. Commission and Bonus to certain Officers.	10. Mofussil Charges and Expenses of despatching Opium to the Sudder Godown, Ground-rent of Mofussil Kotees, Temporary Establishment, &c.
	M. s. c. k.	*Rs. a. p.*	*Rs. a. p.*	*Rs. a. p.*	*Rs. a. p.*	*Rs. a. p.*	*Rs. a. p.*	*Rs. a. p.*	*Rs. a. p.*
1845-46 - -	28,774 6 8 2	42,11,974 4 8	3 10 –	41,72,253 10 9	51,788 1 5	3,648 4 –	2,11,201 8 11	1,07,343 – 6	1,29,059 3 5
1846-47 - -	42,514 35 12 0	61,87,044 7 4	3 10 –	61,64,659 9 6	67,008 4 9	1,819 – 3	2,13,203 5 2	1,61,508 9 4	1,65,185 7 8
1847-48 - -	46,695 10 11 2	67,81,914 3 8	3 10 –	67,70,813 13 8	82,425 6 9	3,285 6 2	2,26,006 7 8	1,81,522 4 7	1,86,164 1 10
1848-49 - -	45,293 36 13 1	65,87,147 7 8	3 10 –	65,67,618 8 –	75,398 15 11	2,268 8 9	2,28,286 13 10	1,62,469 1 5	1,75,618 12 11
1849-50 - -	42,584 18 3 2	64,17,732 9 10	3 10 –	63,39,246 2 10	78,050 5 4	2,590 5 5	2,29,076 11 3	1,52,898 15 8	1,82,196 2 4
1850-51 - -	43,268 7 1 2	62,98,428 – –	3 10 –	62,73,885 11 5	67,723 9 11	1,906 4 2	2,20,812 3 9	1,43,080 7 5	1,55,383 4 4¾
1851-52 - -	48,158 34 14 3	67,67,008 5 10	3 8 –	67,42,242 3 6	72,380 – 11	2,852 5 4	2,25,915 15 4	1,55,916 3 8	1,78,207 – 7
1852-53 - -	63,011 39 15 2	88,35,589 7 3	3 8 –	88,21,679 14 3	1,01,837 7 6	3,235 15 –	2,78,745 3 11	2,13,027 9 9	1,29,119 1 –
1853-54 - -	68,016 23 6 3	95,38,815 1 11	3 8 –	95,22,321 15 8	1,05,101 5 1	5,710 3 –	3,16,159 13 –	2,11,126 15 11	1,30,817 10 10
1854-55 - -	57,933 39 10 0	81,45,155 12 3	3 8 –	81,10,758 11 –	1,00,923 12 8	2,857 9 11	3,30,943 – 3	1,61,759 15 –	1,53,584 5 7½

Behar Opium Agency, Patna,
20 November 1856.

VALUATION by the Civil Architect of the PRESIDENCY OPIUM GODOWNS, &c.

New godowns, built in 1855, by Modoosoodun Roy, in extension of the old range - - - - - - - - - - - -	39,951 6 3
New sky-lights, built by Messrs. Burn & Co. in 1856, over the old range of godowns - - - - - - - - - - -	13,691 10 2
Teak-wood shades, put up to new godowns by Modoosoodun Roy, in 1855 - - - - - - - - - - - - -	443 7 –
Teak-wood protectors and ventilators to the same, by Messrs. Burn & Co., in 1856 - - - - - - - - - - -	2,496 2 –
South verandah to the old range of godowns built in the year 1854 by Modoosoodun Roy - - - - - - - - - -	14,100 2 –
	70,682 11 5
Add value of the old range of godowns, which is not given separately from the other custom-house building in the Civil Architect's books, but is estimated at - - - - - - -	50,000 – –
Value of the new timber stands for the opium chests, made by Messrs. Burn & Co. - - - - - - - - - -	23,593 5 9
TOTAL - - - *Co.'s Rupees*	1,44,276 1 2

Board of Revenue, Fort William,
31 December 1856.

(signed) *C. S. Belli,*
Officiating Junior Secretary.

Ten Years; viz. from 1845-46 to 1854-55; together with the Amount of Outstanding Balances, the Losses sustained the Dead Stock of the Agency, as required by Board of Revenue's Letter, No. 610, dated 3 October 1856.

11. Expenses of Making Chests and Packing.	12. Cost of Conveying Opium Chests to Calcutta.	13. Total of Columns 5 to 12.	14. Outstanding Balances, including Interest at the Commencement of the Year, compared with Columns 3 and 5.	15. Sums Received in Cash on Account of Balance.	16. Sums due from Cultivators.	17. Outstanding Claims of Ryots.	18. Loss incurred on bad or insecurely packed Opium.	19. Loss incurred by Wreck of Boats.	20. Value of Houses, Stocks, &c. &c.
Rs. a. p.	*Rs. a. p.*	*Rs. a. p.*	*Rs. a. p.*	*Rs. a. p.*	*Rs. a. p.*	*Rs. a. p.*	*Rs. a. p.*	*Rs. a. p.*	*Rs. a. p.*
59,072 - -	37,513 8 8	47,71,969 5 8	39,720 9 11	39,799 12 10	- - -	79 2 11	- - -	8,206 5 10	—
81,791 6 1	42,306 4 1	68,97,478 14 10	22,384 13 10	22,384 13 10	- - -	- - -	- - -	58,877 14 1	-
95,247 10 11	53,008 4 8	75,98,473 8 3	11,100 6 -	11,100 6 -	- - -	- - -	93,339 3 9	—	—
92,481 15 8	48,674 14 2	73,52,817 10 8	19,528 15 8	19,528 15 6	- - 2	—	—	--	—
1,02,834 2 -	43,499 11 3	71,30,392 8 1	78,486 7 -	78,488 7 -	- - -	2 - -	- - -	2,878 10 6	—
79,422 15 6	40,281 9 10	69,82,496 2 4¾	24,542 4 7	24,542 4 7	—		--	—	—
75,283 12 7	43,463 5 10	74,96,263 15 9	24,766 2 4	24,766 2 4	- - -	- - -	- - -	875 4 5	—
1,08,799 6 4	50,087 11 11	97,06,532 5 8	13,909 9 -	13,909 9 -	—	—	--	—	—
1,10,535 7 4	53,663 3 8	1,04,55,436 10 6	16,493 2 3	16,493 2 3	- - -	- - -	1,72,107 10 4	12,090 9 2	—
1,02,990 3 5	60,366 4 10	90,24,183 14 8½	34,397 1 3	34,397 1 3	- - -	- - -	- - -	597 9 3	4,99,865 14 9¾

(signed) *Brijloll Singh*, Sub-Accountant.

(signed) *R. B. Garrett*, Opium Agent.

Home Department, Separate Revenue.—No. 4 of 1857.

To the Honourable the Court of Directors of the East India Company.

Honourable Sirs,

In continuation of our letter, No. 2, dated the 14th ultimo, we have the honour to transmit the accompanying copy of a further communication from the Government of Bengal, and of its enclosures; viz., a letter from the Board of Revenue, dated the 6th January 1857, and the following statements, furnished by the opium agent at Ghazeepore:

1. Statement of the charges of the growth, manufacture, and sale of opium, from 1845-46 to 1854-55.
2. Statement of advances and outstanding balances for the same period; and
3. Statement of losses incurred during the same period.

We have, &c.
(signed) *Canning.*
J. Dorin.
J. Low.
J. P. Grant.
B. Peacock.

Fort William, 13 February 1857.

(No. 44.)

From the Secretary to the Government of Bengal to the Secretary to the Government of India, Home Department.

Sir, Fort William, 28 January 1857.

Mis. Revenue. (Opium).

In continuation of this office letter, No. 5, dated the 6th instant, I am directed to forward herewith a copy of a letter, No. 50, dated the 27th idem, from the Officiating Junior Secretary to the Board of Revenue, together with the statements as per margin,* submitted by the opium agent of Benares.

* 1. Statement of the charges of the growth, manufacture, and sale of opium, from 1845–46 to 1854–55.
2. Ditto of advances and outstanding balances from ditto to ditto.
3. Ditto of losses incurred from ditto to ditto.

I have, &c.

(signed) *A. R. Young*,
Secretary to Government of Bengal.

(No. 50.)

From the Officiating Junior Secretary to the Board of Revenue to the Secretary to the Government of *Bengal*.

Sir, Fort William, 27 January 1857.

Opium. W. Dampier and H. Stainforth, Esqrs.

In continuation of my letter, No. 789, of the 31st ultimo, I am directed by the Board of Revenue to submit three additional statements, prepared by the opium agent of Benares, conveying information regarding the opium monopoly, required by the House of Commons.

2. The Board instruct me to observe, that the figures in these statements, as in those of the Behar agent, disagree with the accountant's statement, but that for all practical purposes the accountant's figures must be correct.

3. A fourth very voluminous statement has been prepared by Mr. Hamilton, showing with the utmost minuteness of detail the value of buildings, fixtures, &c., attached to the factory at Benares. This statement the Board do not think it necessary to submit, merely mentioning, for the information of Government, that the total sum exhibited amounts to *Rs.* 2,08,935.

I have, &c.

(signed) *C. S. Belli*,
Officiating Junior Secretary.

No. 1.

RETURN showing the CHARGES to the *East India* Government incurred in the Growth and Monopoly of OPIUM, specifying Cost of Transit to *Calcutta*, and other Charges, for Ten Years, from Season 1845-46 to 1854-55, of the Benares Opium Agency.

Seasons.	Quantity of Opium.	Quantity of Leaves.	Quantity of Trash.	Value of Opium.	Value of Leaves.	Value of Trash.	Salaries.	Commission.	Cost of Transport to Calcutta.	Miscellaneous Charges incurred on account of Weighment, Manufacture, &c.	TOTAL.	Amount realised by the Sale, including Abkaree, and delivery to French Government.	Amount of Profit, exclusive of PresidencyCharges.
1845-46	11,290 4 12½	3,296 37 4	390 24 0	16,01,823 4 7	25,149 10 11	201 – 5	2,03,596 7 9	46,379 9 2	652 14 2	1,07,889 4 8	19,85,692 3 9	78,91,413 – –	59,05,721 – –
1846-47	16,183 28 1¼	5,443 30 13	1,156 0 0	23,61,471 15 7	41,000 8 7	586 7 4	2,07,682 8 –	1,04,664 12 5	8,975 12 1	99,350 7 7	28,23,732 7 7	76,86,526 – –	48,62,794 – –
1847-48	17,026 34 6¼	4,942 38 10	9,808 2 0	24,86,856 5 4	37,104 15 6	4,878 14 2	2,12,181 14 8	80,964 – 5	12,734 4 8	1,00,473 10 4	29,35,194 1 1	95,25,384 – –	65,90,190 – –
1848-49	17,600 5 4½	3,931 32 4	4,098 27 0	25,72,431 7 6	28,051 14 5	2,034 2 1	2,13,026 5 4	74,272 7 6	16,824 3 –	1,06,609 6 4	30,13,249 14 2	1,05,06,037 – –	74,92,788 – –
1849-50	18,350 28 11¼	4,546 35 0	8,561 30 0	26,80,395 14 5	31,917 4 5	4,257 2 6	2,12,025 14 1	78,379 13 10	18,956 5 7	1,42,236 10 13	31,68,169 1 8	97,96,966 – –	66,28,797 – –
1850-51	17,784 27 13	5,429 33 6	6,785 28 0	25,98,385 3 3	38,412 5 4	3,375 10 8	2,04,052 13 1	69,222 10 11	14,825 5 10	1,07,676 15 4	30,35,951 – 5	1,17,97,452 – –	87,61,501 – –
1851-52	22,428 24 5¼	5,769 22 6	12,284 5 0	31,40,005 2 8	41,502 14 3	6,128 8 2	2,01,869 14 5	1,24,644 15 8	25,145 3 8	97,103 12 6	36,36,400 7 4	1,27,50,242 – –	91,13,842 – –
1852-53	24,440 37 15	6,575 21 2	16,015 0 0	34,21,732 12 7	47,300 8 9	7,848 2 –	2,56,709 – 6	1,19,076 15 11	27,981 13 3	68,754 5 9	39,49,403 10 9	2,09,35,854 – –	69,86,450 – –
1853-54	28,246 0 11	6,841 19 11	19,893 20 0	39,54,442 6 11	47,274 12 8	8,716 2 6	2,03,421 11 4	1,15,731 15 7	27,905 6 8	94,644 14 7	44,52,137 6 3	1,25,27,511 – –	80,75,374 – –
1854-55	20,821 18 14	3,413 0 12	14,200 0 0	29,15,006 1 5	24,847 6 4	6,212 8 –	2,17,474 10 4	64,344 13 9	24,169 7 –	75,505 8 6	33,27,560 7 4	1,18,56,894 – –	85,29,333 – –
	1,94,173 10 14	50,191 31 4	93,193 16 0	2,77,32,550 10 3	3,62,562 5 2	44,238 9 10	21,32,041 3 6	8,77,682 3 2	1,78,170 11 11	10,00,245 – 6	3,23,27,490 12 4	10,52,74,279 – –	7,29,46,790 – –

(Errors excepted.)

Benares Opium Agency, Ghazeepore,
30 December 1856.

(signed) *Henry C. Hamilton*,
Agent.

No. 2.

RETURN showing the Amount of ADVANCES under Outstanding Balances, including Interest, at the Commencement of Year; Sums received in Cash on account of Balances; Sums struck off as irrecoverable; Contract Price paid to Cultivators; Advances during the Year; and Outstanding Claims at the End of the Year, for Ten Years, from Season 1845–46 to 1854–55, in the Benares Opium Agency.

SEASONS.	Outstanding Balance, including Interest, at the Commencement of Year, on account of previous Years.	Sums received in Cash on account of Balances.	Sums struck off as irrecoverable.	Contract Price paid to Cultivators.	Advances during the Year.	Outstanding Claims at the End of the Year, but since realized.	REMARKS.
	Rs. a. p.	*Rs. a. p.*	*Rs. a. p.*	*Rs. a. p.*	*Rs. a. p.*	*Rs. a. p.*	
1845–46	23 5 8	23 5 8	- - -	3 8 – 3 10 – 3 12 –	7,50,592 1 2	1,529 10 9	
1846–47	1,529 10 9	1,529 10 9	- - -	3 10 – 3 12 –	8,26,949 8 1	7,382 6 5	
1847–48	7,382 6 5	707 1 3	- - -	3 10 – 3 12 –	9,61,464 11 9	6,747 14 3	
1848–49	6,747 14 3	481 4 10	- - -	3 10 – 3 12 –	9,12,140 12 10	6,345 2 11	
1849–50	6,345 2 11	78 9 6	- - -	3 10 – 3 12 –	8,01,993 4 3	6,449 2 10	
1850–51	6,449 2 10	182 9 5	6,266 9 5	3 10 – 3 12 –	17,65,483 6 4	1,521 2 8	
1851–52	1,521 2 8	32 7 8	- - -	3 8 –	19,59,225 13 6	1,598 8 4	
1852–53	1,598 8 4	881 5 7	- - -	3 8 –	22,66,181 10 11	976 14 10	
1853–54	976 14 10	851 14 8	- - -	3 8 –	26,74,2 0 2 4	152 6 11	
1854–55	152 6 11	96 – 4	56 6 7	3 8 –	19,60,280 9 9	102 5 4	
	32,726 11 7	4,864 5 8	6,323 – –	- - -	1,48,78,512 – 11	32,805 11 3	All since realized.

(Errors excepted.)

Benares Opium Agency, Ghazeepore,
30 December 1856.

(signed) *Henry C. Hamilton*, Agent.

No. 3.

RETURN showing the Loss incurred on bad or insecurely packed OPIUM, for Ten Years, from Season 1845–46 to 1854–55, in the Benares Opium Agency.

SEASONS.	Number of Bad Cakes returned from Calcutta to be Re-manufactured.	Value of Opium used in Re-manufacture.	Value of Leaves used in Re-manufacture.	Charges incurred for Re-manufacture.	TOTAL.	REMARKS.
1845–46	—	—	—	—	—	
1846–47	—	—	—	—	—	
1847–48	—	—	—	—	—	These cakes appear to have been returned for re-manufacture in consequence of some accident to the fleet, as per Officiating Junior Secretary's Letter, No. 316, dated 17th May, 1851.
1848–49	—	—	—	—	—	
1849–50	38,560	7,360 11 8	619 12 4	3,069 7 11	11,049 15 11	
1850–51	—	—	—	—	—	
1851–52	—	—	—	—	—	
1852–53	—	—	—	—	—	
1853–54	—	—	—	—	—	
1854–55	—	—	—	—	—	

(Errors excepted.)

Benares Opium Agency, Ghazeepore,
30 December 1856.

(signed) *Henry C. Hamilton*, Agent.

(True Copies.)

East India House,
11 May 1857.

J. S. Mill,
Examiner of India Correspondence.

EAST INDIA (OPIUM).

FURTHER RETURNS of the CHARGES, &c., to the *East India* Government incurred in the Growth and Monopoly of OPIUM.

(*Sir Erskine Perry.*)

Ordered, by The House of Commons, *to be Printed,*
15 *May* 1857.

33—Sess. 2.

Under 2 *oz.*

POLICE (BENGAL PRESIDENCY).

RETURN to an Order of the Honourable The House of Commons, dated 20 July 1857;—*for*,

A COPY "of the DESPATCH from the Government of *India* to the Court of Directors of the East India Company, dated the 14th day of May 1857, with its several Inclosures, relating to the System of POLICE in the BENGAL PRESIDENCY."

India Board, 20 July 1857.

HENRY DANBY SEYMOUR.

(*Mr. Seymour.*)

Ordered, by The House of Commons, *to be Printed*, 21 *July* 1857.

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COPY of the DESPATCH from the Government of *India* to the Court of Directors of the East India Company, dated the 14th May 1857, with its several Inclosures, relating to the System of POLICE in the BENGAL PRESIDENCY.

— No. 1. —

No. 1.
Letter from the Government of India to the Court of Directors.
14 May 1857.

LETTER from the Government of *India* to the Honourable Court of Directors of the East India Company.

Home Department, Judicial.—No. 18 of 1857.

Honourable Sirs,

1. WE have the honour to acknowledge the receipt of your despatch in the Judicial Department, No. 41, dated the 24th September 1856, relative to the reform of the police throughout the older provinces of India.

2. This despatch has been communicated to the local governments with a view to obtain their opinions on the several measures suggested by your Honourable Court. But as all the material questions of police and criminal justice relating to the Lower Provinces, where reform is most urgently needed, had already been under discussion, and as we had before us the recommendations of the Lieutenant-Governor of Bengal on all these questions, and as we are unanimously and decidedly of opinion that it is better to deal with each Presidency and Lieutenant-Governorship separately, according to its own wants, subject to those leading principles which should be common to all, than to endeavour to frame a general scheme for the whole of India, we have acted upon this opinion, and now submit our minutes, together with the previous correspondence, for your Honourable Court's early consideration and orders.

3. We are unanimously of opinion that the appointment of one superintendent of police for the whole of the Lower Provinces, is not expedient; and we consider the existing system of dividing the country into manageable tracts, consisting of four or five districts, and placing each district under the superintendence of a commissioner having authority in all executive departments, including the police, is the best which has yet been devised for India, and one which works well in Bengal, as well as elsewhere wherever it has been introduced. Our honourable colleague, Mr. Peacock, however, is of opinion that, though one superintendent of police for the whole of the Lower Provinces has been found insufficient, two, or at the most three, commissioners of police would be fully able to discharge the duties belonging to the office in the Regulation districts; and, as he considers the office of Commissioner of Revenue and Police in the Lower Provinces unnecessary, he proposes to abolish seven* out of the eight existing commissionerships, and to substitute two or three divisional Commissioners of Police.

4. We agree generally in the views expressed in the Right Honourable the Governor-General's Minute, as to the extent to which it is desirable that a military organisation should be given to the police of Bengal; and we think that a moveable corps of station guards, or military police, should be attached to each division, employed ordinarily in station and escort duties, but ready to assist the civil police in case of need.

5. Our opinions with regard to the proposal of the Lieutenant-Governor to increase the pay of the subordinate civil police will be found in the Minutes.

We

* Patna, Bhagulpore, Bauleah, Dacca, Chittagong, Nuddea, Burdwan.

No. 1.
Letter from the Government of India to the Court of Directors.
14 May 1857.

We agree generally in approving of this proposal so far as it goes. It will be for your Honourable Court to decide whether the further general increase in the pay of the darogahs, proposed by the Honourable Mr. Grant, is necessary.

6. As to the necessity of increasing the number of deputy magistrates, so as to provide for the closer supervision of the police darogahs, and supply a link in the chain of executive administration which in the North-western Provinces and in the Punjab is so efficiently supplied by the tehsildars, there is no difference of opinion. Even if it should be determined that this class of officers should be divested of all judicial power, it seems certain that their duties as supervising police officers could not properly be performed by a smaller number than that proposed in the Governor-General's Minute.

7. The union of the offices of magistrate and collector, in those districts of the Lower Provinces in which they had been disunited, was proposed by Lord Dalhousie as Governor of Bengal in 1854, but being objected to by the Honourable Mr. Grant in his Minute of the 23d November 1854, the question was referred to the Lieutenant-Governor for his opinion. The views of the Lieutenant-Governor, which are strongly in favour of the measure, were submitted on the 13th March 1855, and the question has since received full discussion in the Minutes, to which we must refer your Honourable Court for our several opinions. The Regulation Districts of the Lower Provinces, in which the two offices are held together, are noted on the margin.* Those in which they have been separated are—(1) Sarun, (2) Shahabad, (3) Patna, (4) Behar, (5) Tirhoot, (6) Monghyr, (7) Purneah, (8) Dinagepore, (9) Rungpore, (10) Rajshahye, (11) Mymensing, (12) Dacca, (13) Sylhet, (14) Tipperah, (15) Chittagong, (16) Backergunge, (17) Jessore, (18) Nuddea, (19) Moorshedabad, (20) 24-Pergunnahs, (21) Burdwan, (22) Hooghly, and (23) Midnapore.

8. With these brief observations, we submit the papers to your Honourable Court, and shall await the expression of your Honourable Court's views on the several points at issue before taking any further steps. We hope to be favoured with those views at an early date.

We have, &c.
(signed) *Canning.*
J. Dorin.
J. Low.
J. P. Grant.
B. Peacock.

Fort William, 14 May 1857.

No. 2.
Letter from the Secretary to the Government of Bengal to C. Allen, Esq.
28 April 1854.

— No. 2. —

LETTER from the Secretary to the Government of *Bengal* to *C. Allen*, Esq., Officiating Secretary to the Government of *India*, Home Department.

Judicial.—No. 924.

Sir, Dated Fort William, the 28th April 1854.

1. I AM directed by the most noble the Governor of Bengal to request that you will lay before the Government of India the enclosed copy of a note prepared under his Lordship's instructions, with the following remarks.

2. During three of the six years that his Lordship has held the Government of India, the local administration of the Government of Bengal has also been in his hands. In those years some of the imperfections, which time had exposed in the frame of the local administration, have been amended. Parliament has lately supplied a remedy for that great deficiency, the effects of which pervaded the entire system, and was felt in every department of the administration—namely, the

* Bhaugulpore, Beerbhoom, Cuttack, Balasore, Pooree, Pubna, Malda, Bogra, Bullooah Fureedpore, Bankoora, Baraset, Chumparun.

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the want of a Lieutenant-Governor, who should be able to devote the whole of his time and capacity to these Lower Provinces alone. There still remain a few conspicuous wants and errors, which his Lordship's experience in this Government has convinced him ought to be supplied and amended; and on which he wishes to submit recommendations to the Government of India before he lays his local authority down.

3. The first of these errors is the separation of the offices of collector and magistrate, contrary to the system which formerly prevailed throughout the Presidency, and to that which still prevails in the Lieutenant-Governorship of the North-western Provinces.

4. It is unnecessary for his Lordship to consume space upon the record by tracing the mode in which this change was gradually established in the Lower Provinces, since the whole is fully and clearly detailed in the annexed note. It is manifest that, at the time when the change was proposed, the Governor-General, Lord Auckland, strongly doubted the expediency of the measure. It is equally manifest that the Honourable Court regarded the proposed change with disfavour, and it is quite certain, in his Lordship's judgment, that the misgivings which were thus expressed in 1836, of the expediency of the measure, were well founded, and that the separation of the two offices has been injurious to the character of the administration and to the interests of the people. For the result has been, that there is now in the Lower Provinces one class of officers, the collectors, of mature standing, highly paid, and with very little work; while there is another class, the magistrates, inadequately paid, with very heavy work, and without sufficient experience to enable them to do that work in such a manner as fully to command the confidence of the community, however zealous and active they may usually be.

5. These are mischievous evils in themselves. They are doubly mischievous, because they give colour to plausible denunciation of abuses alleged to exist equally in the revenue and judicial management of the East India Company, and lead a distant and ill-informed public in England to receive as startling truths all the outrageous exaggerations they hear or read about "Boy Judges" and idle collectors "shaking the Pagoda Tree."

6. The remedy for such evil as really exists in the present system is simple. It consists, as it seems to his Lordship, in re-uniting the offices of collector and of magistrate. The remedy seems to him to be not only simple but certain; for the additional experience of 17 years has amply tested the opinion expressed by the Lieutenant-Governor of the North-western Provinces in 1837, in favour of keeping these offices united, and has fully confirmed its accuracy.

7. The Governor, therefore, begs leave to recommend to the Government of India that steps should be taken for re-uniting the offices above mentioned, so that there shall be in the Lower Provinces, as in the North-western Provinces, one office of magistrate and collector, and one at least of joint magistrate and deputy collector in each district.

8. His Lordship recommends that this change in the form of administration should be made immediately, if the sanction of the higher authorities be given, whether the other errors which still remain to be noticed shall be corrected or not.

9. These errors are, the perpetual change of civil officers from one district to another, and from one branch of administration to another, and the great deficiency of gradual training, more especially for judicial functions.

10. Those who are acquainted with the details of the system are aware that some explanation may be given of what appears, to many, a total want of all training throughout its different branches. But when people, not acquainted with the details, are told that a young civil officer, after being for some time an assistant, when he is nothing in particular, is made a magistrate; that after a few years, quitting the magistracy for the revenue branch, he becomes a collector; that after a few more years his next step of promotion takes him from revenue duties, and makes him a judge; that if he be a man of ability he will probably, from a judgeship, be moved to the office of commissioner of revenue; and that the same ability will, in all probability, next promote him from a revenue commissionership

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missionership back to the judicial bench in the Sudder Court,—when people hear that a civil officer thus oscillates through his whole career between executive and judicial duties, and that each step he gains is one which does not tend to fit him for the step that follows after—when people hear all this, what wonder can there be that the administrative system is condemned off-hand, and that all the evidence given in explanation before Committees of Parliament, and then buried deep in folio blue books, wholly fails to remove the ill impression that has been produced?

11. Most probably nothing will ever remove the prejudice so often shown, or silence the clamours of assailants who will never cease to attack. But there is in reality much room for amendment; and his Lordship thinks that the Government of India cannot too soon engage in the attempt.

12. It seems to his Lordship that the true theory of Indian government, such as has been partially followed with success in the North-western Provinces, and still more completely in the Non-regulation Districts, is the entire subjection of every civil officer in a division to the commissioner at the head of it, and the entire subjection of every executive officer in a district to its executive chief. Even as regards judicial officers, his Lordship is inclined to think that a great advantage is gained by placing them in all matters of an executive nature directly under the commissioner, just as the Sudder Court in its executive capacity is subordinate to the local Government, and by leaving them independent only as regards their judicial decisions.

13. Applying this view to the constitution of the civil service in the Regulation Provinces, it strikes his Lordship that the most effective plan of administration would be to equalise the salaries of the chief executive and judicial officers; and to place both in subordination to the commissioner. At the head of every district there would then be a chief executive officer, designated by the title either of magistrate and collector, or by any other more suitable appellation. He would have entire control over every department of the executive in his district, revenue, minor criminal justice, police, registration, public works, education, jail, &c. He would have under him a sufficient staff of covenanted and uncovenanted assistants, and he would be directly and entirely responsible to the commissioner. In one or more districts there would also be an European judge on the same salary as that of a magistrate and collector, charged with the superintendence and administration of civil and criminal justice as at present, responsible to the Sudder Court, but liable to have his executive arrangements inspected, and his supervision over the inferior judges controlled by the commissioner. In every district there would be one or more covenanted assistants (including joint magistrates and deputy collectors) who would be at the disposal of the executive chief, but available for employment under the judge for some portion, say two days, of the week, either as assessors, or assistant judges, in the trial of cases before a full mofussil bench, or in the trial of small original suits, within the jurisdiction of a moonsiff. The assistants would thus gain experience in every department both judicial and executive; they would rise as they became qualified to the superior grade equivalent to that of joint magistrate and deputy collector; and at the end of ten or twelve years' apprenticeship, they would be eligible for independent and responsible employment as either judicial or executive head of a district. They would in this manner be qualified by previous experience for either department, and the choice would be made by Government with due advertence to the qualifications of each officer. Those who showed a preference and a fitness for judicial employ would become judges, and those who preferred executive duty would become magistrates and collectors.

14. The destination and employment of an officer being thus once fixed, there would be no further change either from office to office, or from district to district, until a civil servant became qualified by standing for a commissionership, and consequently the average time during which the executive and judicial administration of each district remained in the same hands would be about ten or twelve years, instead of less than half that time as at present. It is probable that commissioners would ordinarily be selected from among those who had taken the executive line of the service, but the power of the Government to select a commissioner from among the judges should by no means be restricted. So in like manner the selection of judges for the Sudder Court would ordinarily be from among

among those who had followed the judicial line of the service, but it would be of most mischievous effect to tie the hands of Government and prevent it from selecting a man of great ability for the Sudder bench from among the officers of the executive branch. The early training of civilians in all departments would afford the technical experience necessary for the discharge of high functions in either department, and individual ability would supply the rest.

15. Supposing it determined that the salaries of the judges on the one hand, and the magistrates and collectors on the other, are to be equalised, it would then have to be considered what the amount of their salaries is to be. And this question will have to be considered with reference to what is proper and what is practicable; for, on the one hand, his Lordship would not propose any increase in the aggregate expense of the present establishment, and on the other, he thinks it of much importance to fix and maintain the salaries of the officers vested with the highest judicial and executive authority in each district at as high a rate as the present limits of expenditure will allow. After much consideration his Lordship is disposed to think that the salary now given to magistrates and collectors in the North-western Provinces is the best and most convenient standard to take, and he apprehends that this standard, combined with a re-arrangement of the inferior salaries, will be found on the whole to attain, in the least objectionable manner, the objects above referred to, without any positive material deduction in numbers, and with a very material increase in efficiency by means of a better disposition of the force at command.

16. His Lordship is anxious at the same time to get rid of the intermediate scale of 18,000 rupees a year now attached to a few offices under this Government. This intermediate scale gives rise to much inconvenience in practice, for every member of the service who enjoys a salary of 1,000 rupees a month expects to be promoted in his turn to a salary of 1,500 rupees a month, and again to a salary of 2,000 rupees a month; and as there are only seven offices on the intermediate salary, and promotion goes at the rate of about seven steps a year, it follows that, under ordinary circumstances, no man can remain in one of these offices for more than a year, and the inconvenience can only be remedied, and that not always, by making a nominal transfer to the substantive appointment and keeping a junior officer acting in it.

17. The present establishment is as follows:—

26	Judges	at *Rs.* 30,000	*Rs.*	7,80,000
3	Magistrates and Collectors	„ 28,000	„	84,000
23	Collectors	„ 23,000	„	5,29,000
3	Collectors	„ 18,000	„	54,000
1	Magistrate	„ 28,000	„	28,000
25	Magistrates	„ 10,800	„	2,70,000
4	Joint Magistrates and Deputy Collectors	„ 18,000	„	72,000
4	Joint Magistrates and Deputy Collectors	„ 12,000	„	48,000
11	Joint Magistrates and Deputy Collectors	„ 8,400	„	92,400
100			*Rs.*	19,57,400

The establishment his Lordship would propose would be as follows:—

26	Judges	at *Rs.* 27,000	*Rs.*	7,02,000
30	Magistrates and Collectors	„ 27,000	„	8,10,000
22	Joint Magistrates and Deputy Collectors	„ 12,000	„	2,64,000
21	Joint Magistrates and Deputy Collectors	„ 8,400	„	1,76,400
				19,52,400
	With a special allowance of *Rs.* 3,000 a year for the Judge and the Magistrate and Collector of the 24-Pergunnahs, on account of the expense of a residence at the Presidency			6,000
			Rs.	19,58,400

 18. This

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18. This scheme, the details of which are more fully shown in the tables annexed to the enclosed note, would practically recognise only three grades of salary, viz., 700 rupees a month, 1,000 rupees a month, and 2,250 rupees a month. The aggregate expense would be the same as at present, and in respect to details it is only necessary to observe that at Pubna and Noakolly, where the work is fully equal to that of an ordinary district, the office is raised from that of a joint magistrate and deputy collector on 18,000 to a magistrate and collector on 27,000, while on the other hand Maldah and Bogra, where the work is much less, are reduced from 18,000 rupees to 12,000 rupees a year. Supposing the Court of Directors to recruit the civil service, as they have been requested to do, so as to provide one assistant for each district, to the number of thirty-seven, a civilian under this scheme would obtain his first promotion in about five or six years after leaving college, he would rise to 1,000 rupees a month in about four years more, and at about 13 or 14 years' standing, when at the age of 33 or 34, and full of experience in every department of civil administration, he would have to take his choice either of the executive or judicial line, and there remain in ordinary course to the end of his career; and those selected for higher employment would hardly have had to serve in independent charge of a district in one department or the other for less than six or seven years.

19. To that part of the above scheme which goes to equalise the salaries of the judicial and executive chiefs of districts, an objection will perhaps be made, weak in itself, and more so as compared with the advantage of fixing a civilian's career at a comparatively early period of his service, but one which will carry weight to some minds accustomed to the present constitution of the service. This supposed objection is, that an appeal lies from the magistrate to the judge, and that the judge may frequently be a man of much less age and experience, as well as less ability, than the magistrate. As regards ability, matters will remain very much as they are at present, and in other respects his Lordship thinks that, apart from the general objection to appeals from one individual judgment to another individual judgment, it signifies little what may be the relative ages and general experience of the original and appellate judges, provided that it be the special business of the latter to weigh evidence and decide cases undisturbed by the distractions of executive detail. Moreover, his Lordship hopes that the time is not far distant when all criminal, as well as other judicial appeals will be heard before a bench of judges of whom the civilian judge will be only one of the members.

20. The Governor does not, however, press the immediate introduction of this change with the same urgency as he has pressed the union of the offices of magistrate and collector. It will be necessary to consider it well, and to refer it to other divisions of the Presidency. He begs leave, however, to recommend it to the early and favourable consideration of the Government of India.

21. The measures now suggested for improving the judicial branch of the administration will still be imperfect in his Lordship's opinion, unless some provision be made for counteracting the tendency which now exists to draw all the ablest men among the judges to be commissioners of revenue, a step which leads too frequently, but necessarily, to the judges of the Sudder Court being usually selected from among the commissioners of revenue. The only mode of counteracting this tendency is by raising the salaries of a certain number of the judges to an equality with the salaries of the commissioner, so that a man of ability, well qualified for the discharge of judicial duties, may be retained in the judicial branch without the loss of salary and promotion, in which such a measure on the part of the Government must now involve him.

22. Having already alluded to this subject in the Home Department of the Government of India, his Lordship will not dwell upon it now, but reserves it for the consideration of the Governor-General in Council.

I have, &c.,
(signed) *Cecil Beadon*,
Secretary to the Government of Bengal.

— No. 3. —

No. 3.
Note by the Secretary to the Government of Bengal.
3 Dec. 1853.

NOTE by the Secretary to the Government of *Bengal*.

Dated 3 December, 1853.

THE Most Noble the Governor having been satisfied of the disadvantages attending the present constitution of the office of superintendent of police, and having recommended to the Government of India its abolition, and the retransfer of its duties to the revenue commissioners, the next question for consideration as respects the civil executive administration of these provinces, is that of reuniting the offices of magistrate and collector in one person.

Union of the office of magistrate and collector.

2. Previous to 1836, and for some time afterwards, the two offices were united in Bengal, as they are to this day in the North-western Provinces. In 1836 a committee was appointed to take into consideration the state of the police in these provinces, and among other measures they recommended that the offices of magistrate and collector should be separated.

General control of Commissioners over all departments.

Employment of assistants in judicial as well as executive duties.

Equalisation of the salary of judges with that of magistrates and collectors.

General recasting of district, executive, and judicial salaries.

The arguments used by the committee in support of this recommendation were the following:—

First.—That since the union of the office of magistrate with that of collector (it had formerly been joined with that of judge), the encouragement which had excited zeal and activity in the police, by making the office of magistrate the principal channel to distinction, had been transferred to the revenue department, and that the police had accordingly come to be considered a matter of secondary importance.

Second.—That when two functions are united in one officer, that portion of his duties is neglected in which the Government for the time being takes the least interest; and as the Government cannot wait for its revenue, the police consequently is, and then actually was, neglected.

Third.—That men of sufficient standing in the service to be magistrates and collectors are not so active as a superintending police officer ought to be, and that the joint magistrates were either not trusted by their superiors, or if trusted, would work much better on their own responsibility.

Fourth.—That in the permanently settled provinces, where the collector has little communication with the agricultural community but what renders him unpopular, the advantage that might be derived from the conjoined influence and greater experience, was counterbalanced by greater inconveniences.

Fifth.—The collectors are apt to call in the police to aid fiscal operations, and that therefore it is necessary that their proceeding should be checked by a separate authority in the district.

Sixth.—That by the separation of the two offices, the attention of each officer would be less distracted by conflicting duties; that each would be responsible for his own department; and that no idle or incompetent person could then be long tolerated in either situation.

3. The Governor of Bengal (Lord Auckland) addressing the Honourable Court of Directors, in 1837, on the subject, observed as follows: "The question of gradually separating the office of magistrate from the collectorships of the several districts of the Bengal presidency is now under my earnest deliberation. It is one of great difficulty, not merely on financial considerations, but with reference to the very doubtful points whether, in the present state of the covenanted service, a judge, a magistrate, and a collector, of adequate ability, could be allotted to each district in the Lower Provinces, until, at any rate, existing operations under the resumption laws be brought to a close; and secondly, whether, the small number of highly competent functionaries of grades below the judicial Bench being taken into account, the police would, on the whole, be benefited by a division of labour which would assign a large proportion

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of those best qualified to administer it with effect to the revenue branch of the service exclusively."

4. But, previous to this, the recommendation of the Committee had been acted on in special instances; the offices had been disunited as vacancies occurred, in Patna, Moorshedabad, Midnapore, Burdwan; and an intention was expressed of adopting the same course in other specified districts where the duties were particularly heavy, though the Government was entirely opposed to a precipitate change of system.

5. The Honourable Court replied to Lord Auckland's despatch in 1838, and observed as follows:—

"The merits of the question are well stated in the proceedings before us. In favour of the separation, is the increased attention to the duties now joined together, which it would render practicable. We do not find it alleged by you that the office of magistrate has been made subservient to that of collector, and we trust, that, in point of principle, the union of the two has not from experience been found liable to that fatal objection. It has, however, sometimes been regarded as an advantage, when the two offices were separate, that, in point of fact, their respective amlahs operated as a check on each other. Against these advantages have justly been set the objections, first, of increased expense, and secondly, of the inadequacy of the service to supply men of superior qualifications for exclusive employment in each of the two capacities. It may be added that a native establishment devoted altogether to the duties of police, and under the direction of a European officer solely occupied with the same duties, would be more apt, either from over zeal, or from corrupt motives, to harass the people by petty or unfounded charges, or by unnecessary summonses for attendance, than public servants connected with them by other relations also, and enabled to gain credit with their superiors for the exercise of other functions not of a vexatious nature. On the whole, we concur in the opinion to which Lord Auckland seems inclined, that there are not sufficient grounds for a general change of the established system (always in itself to be avoided unless the grounds for it be strong and unquestionable), but at the same time we admit that, under particular circumstances, the separation of the office of magistrate from that of collector may be found advisable, or even necessary, as you have already decided it to be, at Patna, Moorshedabad, Midnapore, and Burdwan."

6. About the same time the local Government, addressing the Sudder Court in reply to their report on the criminal administration for 1836, observed:—

"The Governor apprehends indeed that the Court have regarded the subject rather in the abstract, than with reference either to the general strength of the service or to the demands of other departments upon the agency at the command of Government. Under the old system, only two substantive officers, a judge and magistrate, and a collector, were required in each district, but whenever the magistracy is now separated from the collectorship, three must be supplied; and his Lordship considers it to be extremely doubtful whether, under the most favourable circumstances, three competent officers could be afforded to each of the 25 districts of the Lower Provinces, in addition to which the Court recommend that the magisterial and fiscal duties should be committed to separate hands in the subordinate districts of Pubna and Furreedpore. But whatever might be done in ordinary times, the efforts which are now being made for the improvement of the public resources from the land revenue, throughout the Lower Provinces, render it indispensable to the interests alike of the Government and of the community, that the department, upon the flourishing condition of which every measure of improvement, whether of the police or of civil justice, is absolutely dependent, should be administered, whilst such important operations are in progress, by none but highly efficient officers, and the due enforcement of the resumption laws, which had fallen into almost total abeyance, and which could be effected only by a division of labour, demands, at present, the services of not less than 12 very competent officers."

7. The opinion of the Lieutenant-Governor of the North-western Provinces, on the general question, as recorded in his proceedings in the Judicial Criminal Department, for the 2d quarter of 1837, was, that the union of the offices was beneficial to the happiness of the people and the efficiency of the public administration,

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nistration, and that the separation of the offices "tended to produce discord among the public functionaries, and a divided administration to the people, who are dragged different ways by the two authorities, and know not to which they can look for justice and protection; but that in an union of the offices, the knowledge which a collector necessarily has, or ought to have, of the people must greatly aid his efficiency in his capacity of magistrate."

8. Still the progress of separation went on gradually in the Lower Provinces, until, in 1845, matters stood as at present, that is to say, the magisterial and fiscal offices were disunited everywhere except in the three districts of Cuttack, and in the independent joint magistracies of Pubna, Malda, Bogra, Bullooah, Fureedpore, Bancoora, Baraset, and Chumparun. The salaries of the separated collectors have been uniformly fixed at 23,000 rupees a year, except in Bhaugulpore, Monghyr, and Beerbhoom, where they are 18,000 rupees. But the salaries of magistrates which it was intended at the time of separation should be in two grades, of 18,000 and 12,000 rupees, have been reduced by orders from home to 10,800 rupees.

9. The experience of the past 15 years has led many to the conclusion, that without gaining anything by the change,—for the isolated cases of effective police administration are not more numerous now than they were before,—we have reaped all the evils which Lord Auckland and the Court of Directors foresaw when yielding a reluctant assent to the separation of the two offices. We have suffered a grievous loss of power by maintaining a separate class of collectors, charged with special duties insufficient to occupy their time, and yet inhibited from rendering assistance to the other great branch of executive Government; and we have a class of magistrates overworked, underpaid, with limited experience, energetic and zealous, it is true, but commonly wanting in the discretion which is only gained by experience, and frequently so young as not to command the respect of either the native or European community, and to afford a plausible pretext for the vulgar objection urged against the Government of employing boy-magistrates.

10. The collection of the land revenue of these provinces and the duties connected with it, with a few exceptions here and there, has become a matter of such routine as not to furnish a sufficient quantity of suitable employment for a highly-paid collector, whose chief duty is the control and supervision of subordinates, while the mode in which the revenue is paid, that is to say, directly into the Government treasury at the Sudder station, without the intervention of a tahsildar or any intermediate officer, leaves the collector neither the means of becoming acquainted with the people of his district through others, nor any inducement to associate with, and become accessible to them himself. On the other hand, the personal influence which the collector undoubtedly possesses, and always must possess, especially among the zemindars of a district, and which, as an adjunct to the authority of the magistrate, might be made most useful to the State, is now in the majority of cases allowed to remain barren, and has occasionally, though I hope rarely, been used to thwart the proceedings of the magistrate.

11. Even if it were in the power of the Government to command the agency requisite for a thoroughly efficient though separate administration of land revenue and police, I should greatly question the wisdom of separating functions, the joint exercise of which, whatever may be said to the contrary, is in India not only not incompatible or objectionable, but positively conducive to the highest efficiency of administration in both departments; and in the absence of such agency, the wisdom of reverting to the old arrangement, which still subsists in the North-western Provinces and Cuttack, seems to me incontrovertible. Under the present system, our magistrates vary from eleven to five years' standing in the service. During that period, when between twenty-five and thirty-one years of age, they are charged with the preservation of peace and order, and with the security of life and property throughout large districts, the real representatives of the character and authority of Government in the eyes of the people, without any official superior at hand to control and guide them, or any but private and irresponsible advice to depend upon; and when at the age of thirty-one their experience is matured, and they have arrived at a period of life when the physical and intellectual powers are together in full vigour, they are transferred

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to another department of the service, for the special duties of which they have had little training, and that almost forgotten, and where their time is insufficiently occupied, and their energies rust until their turn comes for promotion to the judicial bench.

12. I do not understand how any weight could ever have been given to the argument for disuniting the offices of magistrate and collector, founded upon the presumption that collectors might call in the police to aid them in fiscal operations. Perhaps it is a sufficient answer to say that in the North-western Provinces, where the danger, if it be not altogether chimerical, is far more imminent than in Bengal, the union of the two offices is productive of no such mischievous result. But when the amount of every man's dues is known,—when the law provides ample process for their realisation,—and when the civil courts and an appeal to the local commissioner afford due security against abuse of power, even if there were any motive to resort to it, the apprehension of such abuse may have formed a pretext, but could never have been a real reason, for the measure.

13. The chief duties of covenanted English officers in this country are those of superintendence and control. Such duties are best and most effectually exercised for the common weal when centred in one authority within a given tract of country. The principle which holds good of a local governor in the presidency he governs, holds equally good of a commissioner within his division, and of a magistrate and collector (or, as he would more properly be called, a deputy commissioner) within his district; and the principle is capable of further advantageous extension to local subdivisions of convenient extent, like tahsildaries in the North-western Provinces, or those under deputy magistrates and collectors in Bengal.

14. The only separation of functions which is really desirable is that of the executive and judicial, the one being a check upon the other; and if the office of magistrate and collector be reconstituted on its former footing, I think it will have to be considered whether the powers of a criminal judge now vested in the magistrate, extending to three years' imprisonment with labour in irons, might not be properly curtailed,—whether the magistrates should not be required to make over the greater portion of their judicial duties to qualified subordinates, devoting their own attention chiefly to police matters and the general executive management of their districts,—and whether the moonsiffs, under an improved and simplified code of civil procedure, might not be charged with the trial and decision of summary suits for arrears of rent.

15. If there should appear sufficient ground in the foregoing observations to justify and require a departure from the existing practice, and a return to the footing on which the executive administration of the Regulation Provinces under this Government stood in 1836, aided materially by other improvements subsequently introduced, and now in the course of introduction, I think the opportunity may well be taken to revise the whole system by which promotion in the civil service is now regulated, and to remove, as far as possible and desirable, the reproach which now attaches to the Government on account of the frequent change of officers from one office to another, and from one district to another, and to set apart more completely than at present a portion of the service for the exclusive discharge of judicial duties.

16. It has always appeared to me that the further we have departed from the Indian system of centring all executive control within a given tract of country in the hands of one man, the more we have weakened our hands, and frittered away the administrative force which, centred in one responsible officer, can be far better and more effectually exercised for the protection and improvement of society than when, under the specious argument of a division of labour, the same force is divided between two independent and frequently antagonistic departments.

17. It seems to me that the true theory of Indian government, such as has been partially followed with success in the North-western Provinces, and still more completely in our Non-regulation Districts, is the entire subjection of every civil officer in a division to the commissioner at the head of it, and the entire subjection of every officer in a district to its executive chief. Even as regards judicial

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judicial officers, I am satisfied that a great advantage is gained by placing them in all matters of an executive nature directly under the commissioner, just as the Sudder Court in its executive capacity is subordinate to the local Government, and leaving them independent only as regards their judicial decisions.

18. Applying this view to the constitution of the civil service in our Regulation Provinces, it strikes me that the most effective plan of administration would be to equalise the salaries of the chief executive and judicial officers, and place both in subordination to the commissioner. At the head of every district there should be a chief executive officer, designated by the title either of magistrate and collector, or by any other more suitable appellation. He should have entire control over every department of the executive in his district, revenue, minor criminal justice, police, registration, public works, education, jail, &c. He should have under him a sufficient staff of covenanted and uncovenanted assistants, and he should be directly and entirely responsible to the commissioner. In one or more districts there should also be an European judge, on the same salary as that of a magistrate and collector, charged with the superintendence and administration of civil and criminal justice as at present, responsible to the Sudder Court, but liable to have his executive arrangements inspected, and his supervision over the inferior judges controlled by the commissioner. In every district there should be one or more covenanted assistants (including joint-magistrates and deputy-collectors), who should be at the disposal of the executive chief, but available for employment under the judge for two days in the week, either as assessors or assistant judges, in the trial of cases before a full mofussil bench, or in the trial of small original suits within the jurisdiction of a moonsiff. The assistants would thus gain experience in every department both judicial and executive; they would rise as qualified to the superior grade, equivalent to that of joint-magistrate and deputy-collector, and at the end of ten or twelve years' apprenticeship they would be eligible for independent and responsible employment, as either judicial or executive head of a district. They would in this manner be qualified by previous experience for either department, and the choice would be made by Government with due advertence to the qualifications of each officer. Those who showed a preference and a fitness for judicial employ would become judges, and those who preferred executive duty would become magistrates and collectors.

19. The destination and employment of an officer being thus once fixed, there would be no further change, either from office to office or from district to district, until a civil servant became qualified by standing for a commissionership, and consequently the average time during which the executive and judicial administration of each district remained in the same hands would be about 10 or 12 years, instead of less than half that time as at present. It is probable that commissioners would ordinarily be selected from among those who had taken the executive line of the service; but the power of the Government to select a commissioner from among the judges, should by no means be restricted. So in like manner the selection of judges for the Sudder Court would ordinarily be from among those who had followed the judicial line of the service; but it would be of most mischievous effect to tie the hands of Government, and prevent it from selecting a man of great ability for the Sudder Bench from among the officers of the executive branch. The early training of civilians in all departments will afford the technical experience necessary for the discharge of high functions in either department, and individual ability will supply the rest.

20. It may be said, that to place the judicial line on perfect equality with the executive line, there should be four or five judges on salaries equal to the salary of a commissioner, with which judges of the highest ability and reputation, who would otherwise aspire to a commissionership, might be rewarded. But the functions of a commissioner are of such high importance, and it is so paramount an object of Government to obtain the services of the ablest men for those situations, that the creation of an inducement to prevent judicial officers from taking commissionerships, seems to me a measure of doubtful expediency. It must also be remembered that the number of judges being smaller than the

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number of magistrates and collectors (26 to 30), the number of prizes at the head of the judicial branch ought to be less in proportion.

21. Supposing it be determined that the salaries of the judges on the one hand, and the magistrates and collectors on the other, shall be equalised, it will then have to be considered what the amount of their salaries is to be. And this question will have to be considered with reference to what is proper and what is practicable; for, on the one hand, I do not apprehend that any increase in the expense of the present establishment will be thought of, and on the other, it certainly is advisable to fix and maintain the salaries of the officers, vested with the highest judicial and executive authority in each district, at as high a rate as the present limits of expenditure will allow. After much consideration, I have come to the conclusion that the salary now given to magistrates and collectors in the North-western Provinces, is the best and most convenient standard to take; and I think that this standard, combined with a re-arrangement of the inferior salaries, will be found on the whole to attain in the least objectionable manner the objects above referred to, without any positive material deduction in numbers, and with a very material increase in efficiency, by means of a better disposition of the force at command. I am anxious at the same time to get rid of the intermediate scale of 18,000 rupees a year, now attached to a few offices under this Government. This intermediate scale gives rise to much inconvenience in practice, for every member of the service who enjoys a salary of 1,000 rupees a month expects to be promoted in his turn to a salary of 1,500 rupees a month and again to a salary of 2,000 rupees a month; and as there are only seven offices on the intermediate salary, and promotion goes at the rate of about seven steps a year, it follows that under ordinary circumstances no man can remain in one of these offices for more than a year, and the inconvenience can only be remedied, and that not always, by making a nominal transfer to the substantive appointment, and keeping a junior officer acting in it.

22. The present establishment is as follows:—

			Rs.		*Rs.*
26	Judges	at	30,000	-	7,80,000
3	Magistrates and Collectors	„	28,000	-	84,000
23	Collectors	„	23,000	-	5,29,000
3	Collectors	„	18,000	-	54,000
1	Magistrate	„	28,000	-	28,000
25	Magistrates	„	10,800	-	2,70,000
4	Joint Magistrates and Deputy Collectors	„	18,000	-	72,000
4	Joint Magistrates and Deputy Collectors	„	12,000	-	48,000
11	Joint Magistrates and Deputy Collectors	„	8,400	-	92,400
100				*Rs.*	19,57,400

The establishment I should propose would be as follows:—

			Rs.		*Rs.*
26	Judges	at	27,000	-	7,02,000
30	Magistrates and Collectors	„	27,000	-	8,10,000
22	Joint Magistrates and Deputy Collectors	„	12,000	-	2,64,000
21	Joint Magistrates and Deputy Collectors	„	8,400	-	1,76,400
					19,52,400
	With a special allowance of 3,000 rupees a year for the Judge, and the Magistrate and Collector of the 24-Pergunnahs, on account of the expense of a residence at the Presidency				6,000
				Rs.	19,58,400

23. This scheme, the details of which are more fully shown in the annexed table, would practically recognise only three grades of salary; viz., 700 rupees a month, 1,000 rupees a month, and 2,250 rupees a month. The aggregate expense would be the same as at present; and in respect to details, it is only necessary to observe, that at Pubna and Noakally, where the work is fully equal to

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to that of an ordinary district, the office is raised from that of a joint magistrate and deputy collector on 18,000 rupees to a magistrate and collector on 27,000 rupees; while, on the other hand, Maldah and Bograh, where the work is much less, are reduced from 18,000 rupees to 12,000 rupees a year. Supposing the Court of Directors to recruit the civil service, as they have been requested to do, so as to provide one assistant for each district, to the number of 37, a civilian under this scheme would obtain his first promotion in about five or six years after leaving college; he would rise to 1,200 rupees a month in about four years more; and at about 13 or 14 years' standing, when at the age of 33 or 34, and full of experience in every department of civil administration, he would have to take his choice either of the executive or judicial line, and there remain in ordinary course to the end of his career; and those selected for higher employment would hardly have had to serve in independent charge of a district, in one department or the other, for less than six or seven years.

24. To that part of the above scheme which goes to equalise the salaries of the judicial and executive chiefs of districts, an objection will doubtless be made, weak I think in itself, and more so as compared with the advantage of fixing a civilian's career at a comparatively early period of his service, but one which will carry weight to some minds accustomed to the present constitution of the service. I mean, that an appeal lies from the magistrate to the judge, and that the judge may frequently be a man of much less age and experience, as well as less ability, than the magistrate. As regards ability, matters will remain very much as they are at present; and in other respects I think that, apart from the general objection to appeals from one individual judgment to another individual judgment, it signifies little what may be the relative ages and general experience of the original and appellate judges, provided that it be the special business of the latter to weigh evidence and decide cases, undisturbed by the distractions of executive detail. Moreover, I hope that the time is not far distant when all criminal, as well as other judicial appeals will be held before a bench of judges, of whom the civilian judge will be only one of the members.

(signed) *Cecil Beadon.*

Dated the 3d December 1853.

(True copy.)

(signed) *Hodgson Pratt,*

Under Secretary to Government of Bengal.

STATEMENT showing the Salaries of all Judges, Magistrates, Collectors, and Joint Magistrates and Deputy Collectors, in the Lower Provinces, on the 1st May 1836 and 1st May 1853.

NAME or DISTRICT.	SALARIES ON THE 1st MAY 1836.					SALARIES ON THE 1st MAY 1853.				
	Judge.	Magistrate.	Collector.	Joint Magistrate and Deputy Collector, 1st Grade.	Joint Magistrate and Deputy Collector, 2d Grade.	Judges.	Collectors.	Magistrates.	Joint Magistrate and Deputy Collector, 1st Grade.	Joint Magistrate and Deputy Collector, 2d Grade.
	Rs. *a.*	*Rs.* *a.*	*Rs.* *a.*	*Rs.* *a.*	*Rs.* *a.*	*Rs.* *a.*	*Rs.* *a.*	*Rs.* *a.*	*Rs.* *a.*	*Rs.* *a.*
Sarun	30,000 –	30,000 –	– – –	12,000 –	8,400 –	30,000 –	23,000 –	10,800 –	– – –	– – –
Champarun	– – –	– – –	– – –	– – –	– – –	– – –	– – –	– – –	12,000 –	– – –
Shahabad	30,000 –	24,000 –	– – –	12,000 –	8,400 –	30,000 –	23,000 –	10,800 –	– – –	– – –
Patna	36,000 –	24,624 14	– – –	24,000 –	8,400 –	30,000 –	23,000 –	10,800 –	– – –	8,400 –
Behar	30,000 –	28,000 –	– – –	35,000 –	8,400 –	30,000 –	23,000 –	10,800 –	– – –	– – –
Tirhoot	30,000 –	32,634 –	– – –	12,000 –	– – –	30,000 –	23,000 –	10,800 –	– – –	8,400 –
Bhaugulpore	36,000 –	28,000 –	– – –	– – –	8,400 –	30,000 –	18,000 –	10,800 –	– – –	8,400 –
Moonghyr	– – –	– – –	– – –	18,000 –	– – –	– – –	18,000 –	10,800 –	– – –	– – –
Purneah	30,000 –	28,000 –	– – –	– – –	8,400 –	30,000 –	23,000 –	10,800 –	– – –	– – –
Dinagepore	30,000 –	28,000 –	– – –	– – –	– – –	30,000 –	23,000 –	10,800 –	– – –	– – –
Maldah	– – –	– – –	– – –	18,000 –	– – –	– – –	– – –	– – –	18,000 –	– – –
Rajshahye	30,000 –	23,000 –	– – –	12,000 –	– – –	30,000 –	23,000 –	10,800 –	– – –	– – –
Pubna	– – –	– – –	– – –	18,000 –	– – –	– – –	– – –	– – –	18,000 –	– – –
Rungpore	30,000 –	12,000 –	26,246 –	– – –	– – –	30,000 –	23,000 –	10,800 –	– – –	– – –
Bograh	– – –	– – –	– – –	18,000 –	– – –	– – –	– – –	– – –	18,000 –	– – –
Dacca	41,800 –	24,000 –	– – –	12,000 –	– – –	30,000 –	23,000 –	10,800 –	– – –	8,400 –
Furreedpore	– – –	– – –	– – –	12,000 –	– – –	– – –	– – –	– – –	12,000 –	– – –
Mymensing	30,000 –	24,000 –	– – –	12,000 –	– – –	30,000 –	23,000	10,800 –	– – –	8,400 –
Sylhet	36,000 –	24,000 –	– – –	– – –	8,400 –	30,000 –	23,000	10,800 –	– – –	– – –
Tipperah	30,000 –	28,000 –	– – –	12,000 –	– – –	30,000 –	23,000	10,800 –	– – –	– – –
Bullooah	– – –	– – –	– – –	18,000 –	– – –	– – –	– – –	– – –	18,000 –	– – –
Chittagong	36,575 –	30,000 –	– – –	12,000 –	8,400 –	30,000 –	23,000 –	10,800 –	– – –	8,400 –
Backergunge	30,000 –	24,000 –	– – –	– – –	– – –	30,000 –	23,000 –	10,800 –	– – –	– – –
Jessore	30,000 –	28,000 –	– – –	– – –	8,400 –	30,000 –	23,000 –	10,800 –	– – –	8,400 –
Moorshedabad	30,000 –	24,000 –	– – –	12,000 –	– – –	30,000 –	23,000 4	10,800 –	– – –	8,400 –
Nuddea	36,000 –	24,000 –	– – –	12,000 –	– – –	30,000 –	23,000 –	10,800 –	– – –	– – –
24-Pergunnahs	41,800 –	28,000 –	33,600 –	– – –	– – –	30,000 –	23,000 –	28,000 –	– – –	8,400 –
Calcutta	– – –	– – –	– – –	– – –	– – –	– – –	23,000 –	– – –	– – –	– – –
Baraset	– – –	– – –	– – –	12,000 –	– – –	– – –	– – –	– – –	12,000 –	– – –
Beerbhoom	36,550 –	– – –	32,400 –	12,000 –	– – –	30,000 –	18,000 –	10,800 –	– – –	– – –
Bancoorah	– – –	– – –	– – –	12,000 –	– – –	30,000 –	– – –	– – –	12,000 –	– – –
Burdwan	36,575 –	24,000 –	– – –	12,000 –	– – –	30,000 –	23,000 –	10,800 –	– – –	8,400 –
Hooghly	36,000 –	12,000 –	25,944 –	12,000 –	– – –	30,000 –	23,000 –	10,800 –	– – –	– – –
Howrah	– – –	– – –	– – –	– – –	– – –	– – –	– – –	10,800 –	– – –	– – –
Midnapore	30,000 –	24,000 –	– – –	12,000 –	– – –	30,000 –	23,000 –	10,800 –	– – –	– – –
Cuttack	30,000 –	30,000 –	– – –	12,000 –	8,400 –	30,000 –	28,000 –	– – –	– – –	8,400 –
Balasore	– – –	30,000 –	– – –	– – –	– – –	– – –	28,000 –	– – –	– – –	– – –
Pooree	– – –	37,620 –	– – –	– – –	– – –	– – –	28,000 –	– – –	– – –	– – –
TOTAL	8,23,300 –	6,71,878 14	1,18,190 –	3,65,000 –	84,000 –	7,80,000 –	6,67,000 –	2,98,000 –	1,20,000 0	92,400 –
		25 Judges – – –	8,23,300 –				26 Judges – – –	7,80,000 –		
		26 Magte. and Collr. –	6,71,878 14				29 Collectors – –	6,67,000 –		
		4 Collectors – –	1,18,190 –				26 Magistrates – –	2,98,000 –		
		27 J. M. and D. C. (1)	3,65,000 –				8 J. M. and D. C. (1)	1,20,000 –		
		10 J. M. and D. C. (2)	84,000 –				11 J. M. and D. C. (2)	92,400 –		
GRAND TOTAL		92 – – – –	20,62,368 14	– – – – – – – – – – –			100	19,57,400 –		

No. 3.
Note by the Secretary to the Government of Bengal.
3 Dec. 1853.

STATEMENT showing the SALARIES proposed to be assigned to Judges, Magistrates, and Collectors, and Joint Magistrates and Deputy-Collectors, in the Lower Provinces.

NAME OF DISTRICT.	SALARIES AS PROPOSED.			
	Judge.	Magistrate and Collector.	Joint Magistrate and Deputy-Collector, 1st Grade.	Joint Magistrate and Deputy-Collector, 2d Grade.
	Rs. *a.*	*Rs.* *a.*	*Rs.* *a.*	*Rs.* *a.*
Sarun	27,000 –	27,000 –	12,000 –	—
Chumparun	- - -	- - -	12,000 –	—
Shahabad	27,000 –	27,000 –	12,000 –	—
Patna	27,000 –	27,000 –	12,000 –	—
Behar	27,000 –	27,000 –	12,000 –	—
Tirhoot	27,000 –	27,000 –	12,000 –	—
Bhaugulpore	27,000 –	27,000 –	- - -	8,400 –
Moonghyr	- - -	27,000 –	- - -	8,400 –
Purneah	27,000 –	27,000 –	- - -	8,400 –
Dinageporee	27,000 –	27,000 –	12,000 –	—
Maldah	- - -	- - -	12,000 –	8,400 –
Rajshahye	27,000 –	27,000 –	- - -	8,400 –
Pubna	- - -	27,000 –	- - -	8,400 –
Rungpore	27,000 –	27,000 –	12,000 –	—
Bograh	- - -	- - -	12,000 –	8,400 –
Dacca	27,000 –	27,000 –	12,000 –	—
Furreedpore	- - -	- - -	12,000 –	8,400 –
Mymensing	27,000 –	27,000 –	- - -	8,400 –
Sylhet	27,000 –	27,000 –	12,000 –	—
Tipperah	27,000 –	27,000 –	- - -	8,400 –
Bullooah	- - -	27,000 –	- - -	8,400 –
Chittagong	27,000 –	27,000 –	12,000 –	—
Backergunge	27,000 –	27,000 –	- - -	8,400 –
Jessore	27,000 –	27,000 –	- - -	8,400 –
Moorshedabad	27,000 –	27,000 –	12,000 –	—
Nuddea	27,000 –	27,000 –	- - -	8,400 –
24-Pergunnahs	30,000 –	30,000 –	12,000 –	8,400 –
Calcutta	- - -	- - -	12,000 –	—
Baraset	- - -	- - -	12,000 –	—
Beerbhoom	27,000 –	27,000 –	- - -	8,400 –
Bancoorah	27,000 –	- - -	12,000 –	8,400 –
Burdwan	27,000 –	27,000 –	12,000 –	—
Hooghly	27,000 –	27,000 –	- - -	8,400 –
Howrah	- - -	- - -	12,000 –	—
Midnapore	27,000 –	27,000 –	12,000 –	—
Cuttack	27,000 –	27,000 –	- - -	8,400 –
Balasore	- - -	27,000 –	- - -	8,400 –
Pooree	- - -	27,000 –	- - -	8,400 –
TOTAL	7,05,000 –	8,13,000 –	2,64,000 –	1,76,400 –

26	Judges	7,05,000 –
30	Magistrates and Coll.	8,13,000 –
22	Jt. Magt. & Dy. Coll. (1)	2,64,000 –
21	Jt. Magt. & Dy. Coll. (2)	1,76,400 –
GRAND TOTAL 99		19,58,400 –

(True Copies.)

(signed) *Hodgson Pratt*,
Under Secy. to the Govt. of Bengal.

No. 4.
Minute by the Hon. Mr. Grant.
23 Nov. 1854.

— No. 4. —

MINUTE by the Honourable Mr. *Grant*.

PROPOSED Reorganisation of the System of Civil Administration in *Bengal*, including the Reunion of the Offices of Magistrate and Collector.

Dated the 23d November 1854.

1. I HAVE given the difficult questions raised by this reference all the consideration which their importance and the quarter from which they emanate demand.

2. It is proposed to unite in Bengal the offices of magistrate and collector. But this is proposed only as one step (though one which should be immediately taken) of a series of functional changes to be afterwards introduced.

3. I will address myself first to the more immediate question.

4. In the reference from the Bengal Government, the system under which the office of collector is united with that of magistrate in the same person is treated of as having been formerly the prevalent system of Bengal. But that system can hardly be said to have existed in Bengal at any time in any other form than in that of a short experiment, which, when judged of after the experience of a few years, was pronounced to have failed, and was therefore abandoned. The offices were united, I think, in 1830 or 1831; and in 1836 the police committee sat, which reported against the union. The last system, before the present system, which existed in Bengal long enough to be considered as a settled system, was that established by Lord Cornwallis; wherein the offices of magistrate and civil judge were united in the same person. So far as that union combined the function of a civil and criminal judge, it was, I think, not merely unobjectionable in principle, but practically the best arrangement that could be made. In so far as it combined with the functions of a criminal judge the duty of a superintendent of police and public prosecutor, it was, I think, objectionable in principle; and the practical objections to it were greatly aggravated by the course of subsequent legislation, which raised the judicial powers of a magistrate six times higher than they were in the days of Lord Cornwallis. But this objection of principle has not been removed by any change that has since been made, and will not be removed by any change now recommended to be made.

5. In my opinion, it is generally worth while to make a change of system, when that change removes material faults of principle, in what affects the foundations of a good administration. But I must confess myself to be slow to be convinced of the expediency of changes of system, which affect the outside and the form of things, but leave essential errors exactly where they were. In discussing a question of this nature 16 years ago, the Governor-General of that day, Lord Auckland, recorded a remark which struck me forcibly when I read it at the time, and which has ever since been present to my mind, and operative upon my judgment in considering public questions of this nature. Speaking of a scheme of that day, which had been recommended by the highest authority at the Presidency, and which, by a mere transfer of duties from one authority to another, was expected by its promoters to do great things, Lord Auckland wrote thus from the Upper Provinces:—

"I may frankly avow that I have come to the consideration of this proposal with but little prepossession in its favour, for I am deeply impressed with the feeling that there has been, with successive governments of India, too ready a disposition to adopt extensive changes of system in cases only requiring something of administrative reform. Under frequent changes of this kind, no system is fairly tried; the confidence of the people is shaken, and they become utterly at a loss to know to what authorities or to what tribunals they are to look with consistent respect. We have a very limited number of trustworthy agents; we have a vast number of important and responsible situations; we must be sometimes disappointed in the efficiency and even in the proper conduct of our officers. Yet I would not, upon occasional instances of such disappointment, be hasty

hasty to condemn our present means of enforcing a due performance of public duties, or to look to new classes of agency; whilst, however, I avow this ground of prepossession against the plan proposed, I trust that I shall not be the less disposed candidly to examine it." *

6. In 1836, with the offices of collector and magistrate united, the police of Bengal was felt to be amiss. Instead of "any administrative reform," which, going to the real root of the evil, would have corrected or alleviated it, what was done was, in the very spirit which Lord Auckland afterwards characterised in the passage I have quoted above, to place the two offices each in separate hands; after which change of system, of course, the police remained much what it was before. But because the disunion of the offices has done no good or little good to the police, have we any warrant for presuming that the reunion of the offices would do it any good? It is very true that we are pressed with the sense of police affairs in Bengal being amiss now. But what is the root of the evil? No one denies that police affairs in Bengal will continue amiss, till an adequate constabulary force and trusty native officials in the Thannas are provided for it; till Bengal shall be put on an equal footing in this respect with the rest of India. Now no change of names, no shifting of offices, will have any tendency to increase the constabulary force, or to give Bengal trusty native officials in the Thannas. What assurance then have we that, if these two offices are reunited to-morrow, another police committee, sitting six years hence, and pressed (as it will assuredly be, unless some very different measures are taken) with a sense of police affairs being amiss in Bengal, will not repeat what, under precisely the same circumstances, the committee of 1836 did, and so drive the Government to undo all again? The words of the Honourable Court, quoted in the Bengal Secretary's note (applying to the change made in 1836—the remark that a general change of established system is always in itself to be avoided, unless the grounds for it be strong and unquestionable), are as applicable to the change the secretary is supporting, as they were to the change he is objecting to. Both the union and disunion of the offices in question are surface changes of system; neither measure affects the root of the evil.

7. Thinking as I do upon this question, it is incumbent upon me honestly to state my opinion, because I observe, that, since the Bengal Government first proposed the reunion of these offices, the project has been strongly relied upon by the Lieutenant-Governor of Bengal, in addressing an assembly of dissatisfied indigo planters, as being a measure of great practical reform. I am convinced that the hopes thus felt by the Lieutenant-Governor, and thus raised by him in the breasts of the indigo planters, will be disappointed; and I wish to have no hand in the disappointment. I am very sure that if "Boy-magistrates lacking experience" be a good cry now, "Sexagenarian magistrates lacking capacity to rise to higher office" will be as good a cry, any day when occasion offers.

8. I do not mean to say that there is not justice in the objection to the inexperience of some of our magistrates, under the present system. But I deny that this objection is in any way an objection to the principle of the disunion of fiscal and police powers. It is an objection only to the strange and indefensible method in which the Government of 1836 set about the execution of that principle. One office, that of a collector in Bengal, generally and naturally has comparatively easy and light work; the other office, that of magistrate in Bengal, generally and naturally has comparatively difficult and heavy work: in one office a little experience is sufficient for all purposes; in the other considerable experience is indispensable for thorough efficiency. Having to allot these offices between an experienced officer on high pay, and an inexperienced officer on low pay, at a moment when unfortunately there happened to be a peculiar and temporary pressure in the Revenue Department, the Government of the day fell into the permanent error of allotting the easy and light duty, requiring moderate experience, to the experienced man with high pay; and the difficult and heavy

* See Governor-General's minute, 10th October 1838; Judicial Consultation, 5th November, No. 2. See also Honourable Court's letter in reply, of 24th December 1838, in which the Honourable Court say, "His Lordship has stated an opinion, which we have had frequent occasion to convey to you, when he says, &c." The Honourable Court then cite part of the passage cited in the text.

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heavy duty, requiring long experience, to the inexperienced man with low pay. Necessarily, under such a system, as a man becomes experienced he gets promoted out of the office for which his experience has qualified him. But is it fair, when any magistrate errs from inexperience, to attribute the evil to the principle of the division of labour (a principle not usually called in question), instead of to the glaring error of the manner in which that principle, in this instance, has been put in force?

9. I have never heard a practical objection to the present system, which would not be avoided immediately and certainly, by the simple process of transposing the salaries of the two offices, of course with due regard to the public interests in making the appointments to each class of office.

10. When this question was before the Government of India on the last occasion, I remember that Mr. Ross (though I have not seen his minute since) recorded his opinion that, instead of having in every district, as before, one higher paid* and one lower paid† officer, each having both fiscal and magisterial duty, and one being in both capacities subordinate to the other; and instead of having in every district, as now, one higher-paid collector, and one lower-paid magistrate; there should be in each district two officers, one a collector, and the other a magistrate, of equal rank and on equal pay,‡ each exclusively engaged upon his own proper duty. A modification of the present system of separate officers, based upon this principle, is what, if it depended upon myself, I would introduce to-morrow. I believe such a plan to be sound in principle; and taking into consideration all the specialties concerning the civil service in this country, with reference to which I admit that every system in India must be judged, I believe that it would be found extremely convenient in practice. I do not think that the principle of uniting fiscal and police functions, *in Bengal at least*, is sound in principle: and after all the consideration I can give the measure, I fear that there will be found in Bengal much practical difficulty, not in working it agreeably to the members of the service, but in working it so as not to be injurious to the administration of the provinces.

11. On the point of principle I have only to observe, that those specialties which, in other parts of India, it is by many maintained, justify the seemingly unpropitious union of the powers of a publican with those of a magistrate and judge, do not in any degree exist in Bengal. A collector in Bengal neither has, nor ought to have, influence by reason of his office in his district. If the revenue is paid, he must take it; if it is not paid, he must advertise for sale. As the judge in summary suits for rent between Zemindars and Ryots, any attempt to acquire influence would be criminal. His miscellaneous duties are of such a nature as would give no man influence anywhere. As guardian of wards and maker of partitions, he acts only occasionally and upon individuals. He rarely makes a settlement, and never makes one of any importance. I do not, therefore, see how by his influence he can benefit the police of his district. On the other hand, I do not think that those general and obvious objections to the union of fiscal, police, and judicial powers in the same hands, which are admitted to have weight, and which rule the practice in all the well-governed countries of the West, are inapplicable in any part of India. At this moment, in the Madras provinces, an inquiry is on foot into the truth of a charge that has been made formally in Parliament, to the effect that in those provinces, where magisterial and fiscal power are in the same hand, the Government revenue is systematically raised by the use of torture inflicted by the native officers vested with these double powers. I trust that the charge, in the main, will be disproved; but I myself heard, when I was in the South of India, some such stories as would naturally have given rise to the charge. I myself heard what makes me very glad that the fact is to undergo inquiry. Now, no one can deny that, under the Bengal system, no such charge could stand a moment. Every one knows that, in Bengal, police peons and darogahs often torture prisoners for police purposes; but no one for the last 70 years has ever suspected that a rupee of revenue was ever raised in Bengal by the help of torture. This is one of the views in which, I submit, the smoothness and silence with which public affairs go on when all power

* Say, Rs. 2,000, or Rs. 2,250. † Say, Rs. 1,000. ‡ Say, Rs. 1,500.

power in all departments is centred in the hands of one train of officials, cannot be regarded as good for the people, however agreeable they may be to the administrator.

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On the point of practical working, I think there is much requiring to be considered by those who expect that this union of offices will give us an improved magisterial administration in our Bengal districts.

12. In the first place, experience is against the assumption; the experiment has been tried in Bengal, and has failed. The police presents no difficulty in any part of India, excepting these permanently settled provinces, where the wealth of the people makes a style of protection requisite which the State does not afford them. In the North-western Provinces the magisterial work is light. In Bombay I suppose it is the same. In Madras it is lighter still. The experience of other parts of India, therefore, is beside the question. Now, as a simple question of fact, I do not think it will be denied that our magistrates in Bengal now, call them boy-magistrates or what we will, are generally more zealous, laborious, and efficient magistrates, and often more capable, than the collectors and magistrates of twenty years ago, who were put to flight by the result of the inquiries of the police committee.

13. In the next place, there seems reason to fear no better result now. It is not probably denied that a better man is required to manage two independent courses of business, than is required to manage one course of business; and it is not probably denied, that an incapable man at the head of two departments in a district, is a much greater evil than an incapable man in charge of only one of those departments. Now I can answer for it, that when I was connected with the Bengal Government fully one-fourth part of the collectors were gentlemen who would have been unfit to have magisterial charge of their districts, and wholly incapable of the double charge. Nevertheless, most of that number did moderately well as mere collectors. Of the rest, there were, I think, several who had good reputations as collectors, and of whom I have no doubt some have since done well as judges, who, for want of youth, activity, or energy, would have made decidedly worse magistrates than the younger men in actual charge of the magistracies. Here is a difficulty that cannot be shirked; it must be met in face. How is it intended to meet it, under the proposed union of offices? Are we to have a fourth part, a third part, or a half of all our districts, in every department, laid at the feet of men of a certain standing, but not qualified for so onerous a charge; or are we to have in so many districts the old man and the young man, both in one and the same line of official subordination, the young man at the top, and the old man, until the expiration of his 35th year of service, at the bottom? This of the two is the better way of getting over the difficulty; but it seems to me that it would be better still not to rear up the difficulty at all. I fail to see the practical object for which it is thought worth while to encounter this difficulty. If the present evil be that some given magistrates are too young, that evil will not be avoided by giving them older men for their deputies, and making them boy-collectors as well as boy-magistrates. Move them about as you will, there is but the same number of older men, and the same number of younger men, to deal with.

14. On these grounds I have felt myself unable to support the proposed union of offices. I am bound in candour to confess, that, when I first took the subject into consideration, the proposed measure appeared to me to be one from which, though little good was to be expected, little harm was to be feared. After close attention, the good has vanished, and the harm has taken a substantial form in my view. This having been the result of much reflection on this important topic, though I am in a minority, I should be wrong not to place, with all deference to better judgments, my conclusion on record.

15. I will now revert to the remaining part of the scheme which has been sketched by the Bengal Government.

16. The plan proposed is to have in every district two, and only two, chief officers; one to be charged with all business relating to revenue, police, minor criminal judicature, public works, and miscellaneous executive matters; the other to be the judge; both these chief officers to be subordinate to the commissioner of revenue and police of the division; and the offices of both to be

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of equal rank and emolument, the salary suggested being 27,000 rupees, which is the salary of a collector and magistrate in the North-western Provinces, and is between the present salary of a Bengal collector and that of a judge. The objects are to reduce the number of changes of appointment which an officer passes through in the course of his service; and to keep one man, generally speaking, after he has once mastered his work, either always to the executive line, or always to the judicial line, throughout the whole of his subsequent career. It is an important part of this scheme to create a higher grade of provincial judges, who may represent in the judicial line the grade of commissioners in the executive line.

17. There is something very fascinating in the great simplicity of this scheme, and in its excellent adaptation to the two ends in view. The idea of a grade of chief provincial judges appears to me admirable. I have long been convinced that, quite apart from any of the considerations which give it a place in the present scheme, any great improvement in the administration of justice will be impracticable till a new class of provincial chief judges, having new and high functions, is established. The abolition which the scheme involves of the present anomalous grade of independent joint magistrates and deputy collectors on 1,500 rupees a month will obviate a source of much unnecessary inconvenience. The separation of the two great lines of the service will be complete, even to the eye; and one of the handles for that sort of ignorant criticism which founds upon words and not things will be put out of the way.

18. But with all this, I know not how to overcome the objections I feel to parts of this scheme.

19. I have fully stated above what seem to me to be grave objections to the union of the offices of magistrate and collector. Those objections are not lessened by the higher rank to which it is proposed to raise the united offices.

20. According to my ideas, it ought to be our fixed intention, as soon as possible, to dissever wholly the functions of criminal judge from those of thief-catcher and public prosecutor, now combined in the office of magistrate. That seems to me to be indispensable as a step towards any great improvement in our criminal jurisprudence: and any change of system to be made meanwhile should be contrived, I think, with regard to this fundamental reform. But if this reform were effected, it seems clear that, with the proposed rank and salary, the magistrate and collector would be lifted very far above his proper degree in the scale of offices. The duties of a Bengal collectorate are not of a high order. As magistrate, after the change I contemplate, this officer will be merely the head of the police of a district, and the prosecutor of criminals before the judge. It strikes me that to raise such a functionary to a rank equal to that of a judge, who controls and hears appeals from every judicial officer in his district, who in the vast mass of cases is the Court of last resort, and from whom no appeal in any case whatever lies, except to the highest Court in the country, would be a mistake, and would certainly degrade the great office of judge.

21. Even with the magistrate's functions as they now are, the much greater importance of the office of judge, in a Bengal district, appears to me to demand the greater rank and emoluments at present attached to that office. When of two judicial authorities one has five times as much power as the other, and can reverse, with censure if he pleases, any order or judgment of that other, surely the one of these two authorities is set up as being plainly the superior of the other; and it seems to me that the salaries of the two offices should in reason have some correspondence with their relative positions.

22. We ought, in my opinion, to attract the soundest heads we can get to this office of judge, on which, in Bengal, as in all other wealthy and highly civilized countries, the prosperity of agriculture and commerce depends more than on any other single office. In thinking of this subject, we should think not merely of the fact of the wealth and civilisation of Bengal, but also of the cause of it,—the institution of private property in land. The reasons which have induced the wise English people to make their courts all in all, to convert their Exchequer into an ordinary tribunal of justice, and to make their "collectors" mere taxgatherers, have already operated to a notable extent in Bengal. I am all for progress in this direction. I protest against going backwards.

23. I speak

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23. I speak after much watching of the course which one Government after another inevitably falls into, in the matter of appointments, when I say that I am sure, if the proposed system were in force for a few years, it would be rare indeed to see a judge of a capacity not greatly below the average. It would be so difficult to get an officer fit to work a magistracy and collectorate, and the inconvenience to secretaries and lieutenant-governors, of having a bad officer in such a situation, would be so pressing, that the refuse of the service only would be made judges. The Government looks to the magistrate and collector; the people look to the judge.

24. I am unable to support that part of the scheme which would place the judge under the revenue and police commissioner. A great part of the business of a judge is to decide upon the cases, civil and criminal, in which the commissioner is a most anxious and, of course, often a prejudiced party. If a man is to be a judge at all, he should be independent. But the mere fact of his decisions not being appealable to the commissioner will not make him independent, if, in all other respects, or in any other respect, he is placed under the commissioner's superintendence and control. The same objection applies even more strongly to the subordinate native judges. The Sudder Court, as the body which best knows how the Lower Courts do their work, and as the only public body which is in a position to pass an impartial opinion upon that work, seems to me obviously the best authority to superintend all inferior judicial officers. I refer in the margin to the papers connected with a proposal made in 1838 to withdraw the power of control from the Sudder Court, which was negatived, for very conclusive reasons, by Lord Auckland, with the marked approbation of the Honourable Court;* also to the papers connected with a proposal made in 1836, similar to that now under discussion, for making over to the commissioners the superintendence and control of the judges; which was negatived by Lord Auckland's Government for reasons which are to me convincing.†

25. Having so freely remarked upon the very able scheme which has been recommended by the Bengal Government, it is but fair to submit to criticism, in a tangible form, the modifications which would make it suit the principles which I uphold. I will proceed, therefore, to sketch in full length the system which, upon the whole, seems to me the best.

26. To begin with the beginning. The crying evil of Bengal is its bad police. As I have said, the only remedy for this is an adequate constabulary force and trusty thannadars. This remedy is beyond the scope of the present question. I only mention it here to say that I am convinced that all thought expended upon projects of improved administration in Bengal, until this main want is supplied, will be little better than thought thrown away.

27. The great defect in the organisation of the district administration in Bengal is the want of all trusty officers in the interior of districts (such as are the tehsildars in all other parts of India) to inform the station officers of what is really going on, and to execute their orders faithfully. The only local officers in Bengal are the police thannadars, who, though better than they were, are notoriously bad. The great additional strength of civil officers that has been acquired of late years (I venture to say) has been made use of in the least useful of all possible ways; that is to say, in increasing the number of civil officers already congregated in sufficient numbers at the sudder stations. Thus the country at large has derived the least possible benefit from the immense and costly additions that have been made to its civil establishments in the shape of deputy collectors, deputy magistrates, and Abkaree superintendents. In one way only has any progress been made towards supplying the one grand want of the Bengal system, namely, in the establishment here and there, in excessively large districts, of a small number of subdivisions, presided over by an assistant to the magistrate,

* Judicial Consultation, 20th August 1838, No. 1, &c.; Judicial Consultation, 22nd October 1838, No. 5, &c.; Judicial Consultation, 5th November 1838, No. 1, &c.; Honourable Court's Judicial Despatch, 5th June 1839.

† Judicial Consultation, 21st June 1836, No. 14, &c.; Judicial Consultation, 13th September 1836, No. 4, &c.

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magistrate, or a deputy magistrate. I would work out this one sound improvement to the utmost.

28. Every district is already divided into several moonsiffships. I would give every moonsiff criminal judicial powers to a certain extent; say, up to three months' imprisonment. He should receive his cases directly from the thannadar. The number of moonsiffs would require to be increased, but not very largely, I believe.

29. Every district is already divided also into thannas, but these thannas are often very large. I think no thanna station should be more than ten or twelve miles from its neighbour on any side. A certain number of these (small) thannas, say, eight or nine, would form a subdivision, in which there should be, say, three head thannadars, the rest being naib thannadars under a head thannadar.

30. Every district should be wholly cut up into subdivisions. Over every subdivision there should be either an assistant or an officer, such as is now called a deputy magistrate, to superintend the thannadars, and to control the police of the subdivision, but without any judicial power whatsoever. These appointments should be reserved for the future as rewards for the best conducted of the thannadars. If we make this service as hopeful as the native judicial service, why should we not have as good native deputy magistrates as we now have principal sudder ameens, and as good thannadars as we now have moonsiffs? If we do not make the service hopeful, what right have we to expect it to be good?

31. Sudder ameens are now located at the sudder stations, exactly where respectable officers of their sort are least wanted. I would increase their number, and place one in each subdivision, with jurisdiction over the whole subdivision, and with criminal judicial powers to a certain extent, say, up to one year. They should receive their cases directly from the subdivision officers, or from one of the thannadars acting under the orders of those officers.

32. At the sudder station, as his head-quarters, I would place the officer now called magistrate, denuded of all criminal judicial powers whatsoever, and restricted to the duties of looking after the subdivision officers, and the thannadars and subordinate policemen, of discovering crime, and of prosecuting it in heavy cases to conviction. At the sudder station also would be tried by principal sudder ameens, assistants, joint magistrates, and deputy collectors, and judges (by collectors also, having powers for the purpose, if any collectors have time enough to spare), all the cases of too grave a nature to be tried by moonsiffs and sudder ameens in the thannas and subdivisions.

33. To carry out to the utmost the reversal of the old system, which I blame, of congregating all the respectable part of our strength at the sudder station, I would, wherever possible, throw off the principal sudder ameen, with divisional criminal powers, into the interior of the district. I believe there are few districts in Bengal which ought not to have two of these officers. Under such a system I believe we might save a judge or two, and several magistrates, with infinite convenience to the people in respect to civil as well as to criminal justice.

34. If any one, acquainted with the Mofussil, will endeavour to realise to himself the state of things such as it would be under the above system, and then to compare that with the existing state of things, in which nobody can be lawfully tried for stealing an egg, or for giving an impudent boy a cuff on the head, without coming in perhaps 70 or 100 miles, with all the witnesses, to the sudder station, I think he will admit that my plan would be an improvement. My system of criminal procedure would not be perfection; but it might be introduced in three months' time, with the greatest ease, and at a small expense. The existing system of criminal procedure, to speak of it in moderate language, is not like the system of a country administered by rational beings.

35. To the system of criminal procedure above sketched, or to some such system then, I would adapt the course of our covenanted civil servants.

36. I would make the assistants work at first in the departments of revenue, minor criminal justice, *and minor civil justice*. In these departments they would gain their first increase to 500 rupees. Afterwards they might either take charge of

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of a subdivision, or work on at the station, with higher powers in those three departments. At every station I would have an officer on 700 rupees of the grade now called a 2d grade joint magistrate and deputy collector, as the lieutenant of the magistrate, and of the collector; working under both, and ready to assume temporarily the place of either.

37. From that rank the civilian's promotion should be either to a magistracy (*i. e.* a chiefship of district police), or a collectorship. Though I think the rank and emoluments of these offices should be upon an equal footing, I do not think that the salaries should be at one unvarying rate. Young men will not rise to either of these offices till they have served several years. In either of them they will not get through the grade in less than 10 or 12 years. That is too long a time to keep promotion stagnant, if we wish to preserve zeal. I would, therefore, in this grade adopt a plan which has done well in the Punjab, that is to say, I would fix three rates of pay, having one third of the number at each rate. The rates should be 1,000 rupees, 1,500 rupees, and 2,000 rupees; promotion being by merit, unless where in favour of special cases of very old standing and good conduct. I am quite sure that if we want to maintain the needful stimulus, this is the system of payment to be adopted.

38. Under this arrangement I should hope to escape, in a great degree, the worst vice of our administration, the one vice which I am obliged to say seems to me to be now getting worse instead of getting better,—I mean the promotion of incompetent men to judgeships. On either of the two higher rates of pay, a man capable of doing his work as a collector, and incapable of performing fitly the duties of any higher office, might well be left, and I believe generally would be left, to work out the remainder of his service in this grade.

39. From both these offices I would promote the good men, and none others, to be judges. If any one objects that I make men judges who have never been judges before, I reply, that so must all judges be first made. But if any one objects that I make men judges who have not had the opportunities of acquiring, in the course of their previous training, the knowledge and practice best adapted to form a good judge in India, I affirm the contrary, and I join issue on that question. As the affirmative has been demonstrated over and over again by the greatest authorities on Indian subjects, I will not stop to argue it here. The real fact is, that whatever mofussil office an Indian civil servant is in, he begins doing essentially the work of a judge when he first quits college; and he never leaves off doing it till he takes his annuity.

40. From a judgeship the promotion should be either to a chief provincial judgeship, such as has been alluded to, or a commissionership; and from this point I would preserve strictly the judicial line uninterrupted. The chief provincial judges should look to the Sudder Court, the commissioners to the Board of Revenue.

41. The chief provincial judges would try, with a bench of two other judicial officers, all heavy civil and criminal cases, without appeal on points of fact. They would relieve the Sudder Court of many other appeals also; and with their help I believe the Sudder Court might well be reduced from five to three judges.

42. Such is my scheme, which I deliver over for discussion and criticism, if it be thought worthy of so much respect. It wants something of what I have in all sincerity designated as the fascinating simplicity of the original scheme out of which it has been formed. But I am not aware that it anywhere trenches materially upon sound principles of administration; and from long and attentive consideration of the working of the administrative machine in Bengal, I venture to pledge myself that it will be found, if ever it be set to work, a good working system.

(signed) *J. P. Grant.*

23 November 1854.

— No. 5. —

No. 5.
Letter from W. Grey, Esq., to C. Beadon, Esq. 26 October 1854.

LETTER from *W. Grey*, Esq., Secretary to the Government of Bengal, to *C. Beadon*, Esq., Secretary to the Government of India, Home Department.

Judicial.—No. 2382.

Sir, Dated Fort William, 26 October 1854.

I AM directed to address you with reference to the measure which was proposed by the Most Noble the Governor of Bengal on the 28th April last, for carrying on the revenue and police administration of the Lower Provinces by means of collector-magistrates, assisted by subordinate joint magistrates and deputy-collectors, instead of by separate collectors and magistrates, as at present; his Lordship's object having been to place the important duties of the magistrate in more experienced hands than is now the case, and thus to meet the common and not unfounded complaint, that the magistrates are too young and inexperienced for their duties.

2. The Lieutenant-Governor thinks it probable, that as this proposal, which is still before the Government of India, involves other considerable changes, it may yet be some time before the Government of Bengal can receive authority to carry it into effect; and he wishes, therefore, to represent that as, whenever that authority may be received, the change will have to be made gradually, as offices fell vacant, and as the present is the time of year at which vacancies mostly occur, if the present season is allowed to pass by, another year will probably elapse before the new system can even be commenced upon.

3. The proposed change, the Lieutenant-Governor thinks, will be a very great improvement, more especially in the districts most resorted to by indigo planters; and he is accordingly desirous of seeing it carried into effect in those districts as speedily as possible, and, if possible, at the present time, so as to save a whole year's further delay.

4. The districts which, in the Lieutenant-Governor's opinion, most urgently require this change are, Nuddea, Jessore, Purnea, and Tirhoot, and also the subordinate district of Pubna, all of these districts thickly inhabited by indigo planters.

5. To make the change at once in these districts would involve an increase of civil charges of only 1,000 a year in the four zillahs, viz., the raising of the salary of the collector from 23,000 to 24,000 rupees, which, in the Lieutenant-Governor's judgment, would be the proper salary to assign to the collector-magistrate. The officer now paid 10,800 per annum as magistrate in those zillahs, would continue so paid at present, as a joint magistrate and deputy-collector of the first class. Thus the additional expense for those four zillahs would amount to no more than 4,000 rupees per annum. In Pubna, which requires the change more urgently perhaps than any of the others, the expense would be greater, as the joint magistrate and deputy-collector at Pubna, who does the full and very onerous duty of magistrate and collector in that heavy indigo district, only receives 18,000 rupees per annum. It was part of the scheme now before the Government of India, that the salary of this office should be made equal to its duties; and if this is not done now, the present incumbent, who is an officer of about 16 years' standing, and of great efficiency as a magistrate, must be promoted during the cold weather, and will be replaced at Pubna by a comparatively inexperienced officer. To raise the salary at Pubna to the full amount which the Lieutenant-Governor has recommended for the collector-magistrate, would cost 6,000 rupees per annum; making the whole present additional cost of the measure 10,000 rupees per annum.

6. The Governor-General in Council is aware, however, that it is proposed in the plan already submitted, that the total present expenditure shall not be exceeded, so that the additional expense above shown would cease as soon as the change was generally adopted in all districts.

7. The Lieutenant-Governor desires to propose, therefore, that permission should be given him to make the change at once in the above-named districts, and

and in the manner specified, on the occasions which will arise out of the vacancies of the present season, in anticipation of sanction to the more general measure now under consideration.

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I have, &c.
(signed) *W. Grey,*
Secretary to the Government of Bengal.

— No. 6. —

No. 6.
Minute by the Governor-General.
3 January 1855.

MINUTE by the Most Noble the Governor-General, subscribed to by the Honourable Members of Council, Civil Service in Bengal.

Dated 3d January 1855.

1. In ordinary course I should have reserved the Minute, which our honourable colleague Mr. Grant has recorded upon the letter from the Government of Bengal, regarding the union of the offices of magistrate and collector, for consideration in Council. It seems to me, however, that it will be better to pursue a different course upon the present occasion.

2. Since the letter in question was addressed to the Government of India, the administration of Bengal has been transferred to the hands of the Lieutenant-Governor. The important question now before us, connected with the machinery of administration in that province, can hardly be satisfactorily discussed in Council, until we shall be in possession of the views of the Lieutenant-Governor on the subject.

An intermediate reference to his Honor was proposed by me on the 11th July last, in a Minute which seems to have been overlooked. The reference was proposed at that time merely to save time. It has become all the more necessary now, from the weighty objections which Mr. Grant feels to several of the main portions of the proposal as originally framed. Accordingly, I propose that the whole of these papers should be referred to the Lieutenant-Governor, with a request that he will favour the Governor-General in Council with his opinion upon the important subject of which they treat.

3. It will be necessary also to reply to the letter from the Lieutenant-Governor, dated 26th October, in which he requests sanction to the union of the offices of collector and magistrate in several districts which he names, as vacancies may occur.

As the principle of the union of those offices in Bengal generally is still in question, I apprehend that it will be necessary to decline for the present giving the sanction which has been solicited for the partial introduction of the proposed change.

(signed) *Dalhousie,*
3d January 1855.

J. Dorin,
8th January 1855.

J. Low,
13th January 1855.

J. P. Grant,
13th January 1855.

B. Peacock,
22d January 1855.

— No. 7. —

No. 7.
Letter from C. Beadon, Esq., to the Secretary to the Government of Bengal.
26 January 1855.

LETTER from *C. Beadon*, Esq., Secretary to the Government of India, to the Secretary to the Government of Bengal.

(No. 163.) Home Department.

Sir, Dated 26th January 1855.

SINCE the Government of Bengal addressed the Government of India, under date the 28th of April 1854, proposing a reorganisation of the system of civil administration in Bengal, including the re-union of the offices of magistrate and collector, the local administration has been transferred to the hands of the Honourable the Lieutenant-Governor. The Governor-General in Council is therefore desirous of possessing the views of His Honor on the above question before coming to a decision upon it. This reference has become the more necessary now from the weighty objections which the Honourable Mr. Grant feels to several of the main features of the proposal as originally framed by the Government of Bengal; and I am therefore directed to request that you will lay before the Honourable the Lieutenant-Governor the papers noted in the margin* (which to save time, are sent in original), with a request that he will favour the Government of India with his opinion upon the important subject of which they treat.

2. I am directed at the same time, with reference to your communication, No. 2382, dated the 26th October last, to state that as the principle of the union of the offices of collector and magistrate in Bengal, generally, is still in question, the Governor-General in Council is not prepared at present to accord his sanction to the proposal therein submitted for the partial introduction of the proposed change.

3. The return of the accompanying papers is requested with your reply.

I have, &c.
(signed) *C. Beadon*,
Secretary to the Government of India.

— No. 8. —

No. 8.
Letter from W. Grey, Esq., to C. Beadon, Esq.
13 March 1855.

LETTER from *W. Grey*, Esq., Secretary to the Government of Bengal, to *C. Beadon*, Esq., Secretary to the Government of India.

Home Department.

Judicial.—No. 366.

Sir, Dated Fort William, 13th March 1855.

WITH reference to your letter, No. 163, of the 26th January last, with enclosures, I am directed to forward, for the information of the Government of India, the accompanying copy of a minute recorded by the Lieutenant-Governor.

2. The enclosures of your letter are returned.

I have, &c.
(signed) *W. Grey*,
Secretary to the Government of Bengal.

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* Letter from the Secretary to the Government of Bengal, No. 924, dated 28th April 1854, and enclosures; Minute by the Honourable J. P. Grant, dated 23d November 1854.

— No. 9. —

No. 9.
Minute by Lieutenant-Governor.
1 March 1855.

MINUTE by Lieutenant-Governor.

Union of Collectorship and Magistracy in the Lower Provinces. Objections to the measure stated in a Minute in Council by the Honourable *J. P. Grant*.

I DO not feel the weight of the objections made in this minute to the adoption of the measures proposed by Lord Dalhousie as Governor of Bengal in his Lordship's communication to the Government of India, No. 924, of 28th April 1854.

2. In the papers then submitted to the Government of India, it was shown how the plan of *separate* magistrates, which was introduced subsequent to 1838, was thought to have failed of effect. Before that time the system in Bengal had been the same as it now is and long has been in the North-western Provinces, in Bombay, in Madras, in the Punjaub, in Burmah, in all the Non-regulation Provinces—in short, all over British India; viz. the collectorship and magistracy were united in the hands of one officer. And it was proposed by Lord Dalhousie to return to this system in Bengal, and at the same time to take from the collector-magistrate some of his heavier judicial powers and duties.

3. In the minute of the Honourable Member of Council this proposition is described as "one step of a series of functional changes to be afterwards introduced." I do not find this to be the case. It was proposed as one of several changes. But it was not necessary as a step to any of them. It had no necessary connexion with them. It might have begun and ended with itself, and any of the others might have been proposed even if this had never been thought of. The other measures were:—

1st. To prevent frequent changes by equalising the salaries of collector and judge.

2nd. To place all mofussil functionaries, judicial and executive, in subordination to the commissioner.

3rd. To extend the experience and official education of assistants by making them do duty under the judge, as well as the magistrate and the collector.

4th. To keep the judicial and executive line separate, after a certain rank attained.

5th. To appoint a class of superior mofussil judges with higher pay and powers than the zillah judge.

4. Whether or not these measures be all expedient is, of course, matter for question. But I think there can be no question that not one of them depends necessarily on the union of the office of magistrate and collector, and that the union in question, though proposed at the same time, was not proposed as a step to the other changes.

5. The union of the two offices seems, however, to have been viewed in the minute before me as if Lord Dalhousie had proposed it as a cure for all existing evils in the police. And this being assumed, it is shown with great success that it can have no such universal effect. It is stated with perfect justice, that one great cause, perhaps the greatest, of the present inefficiency of the police, is the want of adequate constabulary force; and it is urged undeniably that to make the magistrate and collector one officer will not add to the pay or number of the constables. It is also represented that this union was strongly relied on by the Lieutenant-Governor of Bengal, in a recent conference with a deputation of indigo planters, as a measure of great practical reform, so as to lay that functionary open to the imputation of raising hopes which must certainly be disappointed; an imprudent act, to which the Honourable Member of Council is anxious on no account to be considered a party.

6. But I can find nothing in the papers submitted by Lord Dalhousie to the Supreme Government, which leads me to suppose that his Lordship expected the proposed change to cure all existing evils in the police, or indeed any evils, but those on account of which it was expressly recommended. And as for the Lieu-

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tenant-Governor, I have been at the trouble to refer to the newspaper report, a very accurate one, of what took place on the occasion alluded to, and I find, as I expected, that he never relied upon the change as "a great measure of practical reform," but simply stated, that a return to the system of collector-magistrates would remove the objections made to the youth and inexperience of the present magistrates. And really if the appointment of older men as magistrates, which must unquestionably be the general effect of the proposed change, would not, *pro tanto*, be a cure for the youth of magistrates, I humbly submit that I know not what else will cure it.*

7. I suppose that everybody will agree with the Honourable Member of Council in desiring that the constabulary force should be as large, and the pay of the police as high as the nature of the service requires, and the Government finances can afford. But I do not see why this expensive improvement, whenever the Government may be in a condition to make it, should not be made just as easily under collector-magistrates as under separate magistrates; or what the change in the superior functionary has to do with the pay and numbers of the subordinates.

8. It is objected also to the measure proposed by Lord Dalhousie, that it is contrary to sound principle. Even if this were satisfactorily made out, which I do not think it is, I should be content to oppose to the objection founded on theory the unqualified success of the measure in practice. All over India the measure succeeds. In no province in which it is in use would they hear of its being altered. We find it in the highest favour in Bombay and Madras, and in the North-western Provinces of Bengal. We have unhesitatingly introduced it into recently acquired territory at both extremities of our empire. We find it suitable to the Punjaub, and we find it suitable to Burmah. No doubt it will immediately be made the rule in Nagpore. It is even in force over a large part of the provinces subject to the Government of Bengal. It prevails in all Assam, Arracan, and the districts of the South-western Frontier; in all Cuttack, and in eight other districts of the Regulation Provinces. It seems to me unnecessary, in the face of such facts as these, to argue on the theory.

9. But surely if there be any part of India to which theoretical objections to this measure have absolutely no application, it is Bengal. I do not by any means agree with the Honourable Member of Council in what I consider his under-estimate of the importance of a collector's duties in the Lower Provinces. It can hardly, however, be disputed that in proportion as they are unimportant there must be less room for abuse in the proposed union of duties. In the North-western Provinces, where the collector's duties are onerous, engrossing, all-pervading, and where the amount, as well as the method, of collection is liable to variation, abuse might well take place, though we are assured on the weighty authority of Mr. Thomason, that, so far from abuse, the system produces nothing but good. But in Bengal, where the amount to be collected is fixed, and the manner of collection one unvarying and almost mechanical routine, abuse is simply impossible.

10. The question of the introduction or non-introduction of the proposed measure seems to me mainly one of economy of power. We have collectors whose duties are of a nature involving heavy responsibility, and requiring a certain maturity of discretion. They must, therefore, be persons of sufficient experience, and must be paid in proportion. Yet it is certain that their time is only partially occupied by the duties of their offices, and there is nothing in the nature of their duties which forms a reasonable objection to their employment as magistrates. On the other hand, we have magistrates overworked, and of immature experience, who, though they require naturally the immediate control of more experienced seniors, are practically very much left to themselves; and who nevertheless exercise functions upon the punctual and discreet discharge of which more of the happiness of the people depends than upon the conduct of any other civil officers of the Government. To give these duties, or (as is proposed) a large portion of them, to the older and more experienced functionary, for whom occupation is declaredly wanting, and to place the junior in immediate subordination to

* I append to this Paper an extract from the Report in question.

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to the senior, seems to me a proposition most obviously and necessarily arising ou of the circumstances—most sound, expedient, and right.

11. The argument against this measure, upon which, in the minute before me, most stress appears to be laid, is that which is founded on the alleged incompetency to perform a magistrate's duties of a proportion of the officers usually to be found in the rank of collectors. Fully one-fourth, it is estimated by the Honourable Member, will always be unfit to have the double charge of magistracy and collectorship, and even of the rest, it is computed that several must be expected to make bad magistrates. "Here is another difficulty," it is stated, "that cannot be shirked; it must be met on the face; and how?" But I do not see that there is anything insuperable in this difficulty. Indeed, I doubt whether, as a reason for preferring the present system to the system proposed by Lord Dalhousie, it be any difficulty at all. For even taking the case as supposed, though I cannot but look upon it as an extreme supposition, that one-fourth of the existing collectors are men to whom the Government would not willingly confide the duties of magistrate, it is to be remembered that they all have been magistrates. If after considerable experience, and after having risen to the rank of collector, they are now inefficient and incompetent, how much more incompetent must they have been when young in years and deficient in experience? To the present system, under which, as it has hitherto been worked, a proportion of such men have been, and if the system be continued, will be magistrates without experience, the Honourable Member sees no objection. But to the proposed system, under which a like proportion will be magistrates, after having had experience, he has insuperable objections. Yet it is clear that there would be, at all events, the advantage of experience in favour of the magistrates under the proposed system, as compared with the magistrates under the system now in use.

12. The fact is, that this objection, so far as it is of force, is an objection to one system, just as much as to the other; and, under the present constitution of the service, to any system that could be devised. There will always be a certain proportion of the members of the service (even under the coming reign of pure intellect), who, on trial, will be found more or less unfit; and it is much more likely, as was long ago urged by Lord Auckland, as an argument in favour of the union of the magistracy and collectorship, that two good officers will be forthcoming in each district than three.

13. For my part, I am prepared under either system to deal with incompetency as it deserves, whether it be found among juniors or seniors. In this I have only to follow the example set me by the Most Noble the late Governor of Bengal, and I should not be startled by the result, even though it should in some instances, and I believe they would not be frequent, place "the young man at the top and the old man at the bottom." In such cases we might miss something of the weight of experience, but we should gain that which would be accepted as a reasonable compensation. And in any event such instances would assuredly be exceptional.

14. Adopting, therefore, the reasons for the measure assigned in the papers submitted to the Supreme Government by Lord Dalhousie, in April last, I am strongly in favour of uniting in the whole of the Lower Provinces of Bengal, as they are united already in many parts of those provinces, and everywhere else in British India, the offices of magistrate and collector. If it be still objected that the union will not cure every evil now attributed to our police system, I must answer—certainly it will not. Nor is it intended to cure them. But it will assuredly do what it was expected to do by Lord Dalhousie when he proposed it; and it is no sound objection that it will not do that for which it was never meant.

15. Regarding the other changes proposed, I shall state my opinion very briefly. I very warmly assent to the proposition for a grade of chief provincial judges, and I earnestly hope this may speedily be adopted. I agree entirely with the Honourable Member of Council, whose minute I have been considering, in objecting to that part of the proposed changes which would place the judge on an equality with the collector-magistrate. I cannot add to, and I would not diminish aught of the force with which the objections to this plan are stated by the Honourable Member. The zillah judges may well be left on their present

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footing as to salary. To the collector-magistrate it will be sufficient to assign 2,000 a month.

16. I go entirely with the Honourable Member in his objections to the proposal for placing the judge under the commissioner of revenue and police.

17. I think it will be very expedient to extend the field of education of assistants, by making them do duty under the judge as well as under the magistrate and collector. But without a considerable increase to the number of the assistants, I doubt if this plan would in practice come to much effect.

18. The proposition to keep the judicial and executive line separate, after a certain rank attained, sounds very wholesome. I doubt, however, if there be as much in it as there seems to be. Looking back to the Sudder bench for some years, no one will say that the worst judges have been those taken immediately from the executive branch of the service. The plan is proposed by the Most Noble the Governor of Bengal, with a large margin for exceptions (see paragraph 14 of the letter to the Government of India of the 28th April last), and with that ample margin, I am very willing to adopt it. But I should be prepared to see the exceptions sometimes swallow up the rule.

19. It may be expected that I should submit my opinion on the comprehensive plan proposed in the latter part of the Minute of the Honourable Member of Council in substitution of that of Lord Dalhousie.

20. With regard, then, to the arrangement and employment of the covenanted officers under the plan in question, I have to remark, that it is too expensive to be worked at present.

21. The plan which at present exists employs 98 officers, at an expense of 19,23,600 rupees per annum.

22. The plan proposed by Lord Dalhousie would employ 97 officers, at an expense of 19,34,400 rupees.

23. The plan proposed by the Honourable Member, assuming that he would maintain the number of judges* as now, on the same salary; and assuming also, that the intention of his plan is to put a magistrate and a collector, and a junior officer, on 700 per mensem, as their lieutenant, at every† one of the 36 stations, would employ 134 officers, at a cost of 23,78,400 rupees.

24. My plan would involve scarce any change in the number of officers now employed, or in the amount expended, but would slightly reduce both. I would make all the present larger collectorships, 22 in number, collector-magistracies on 24,000 per annum. I would make all the smaller collectorships, such as Monghyr or Beerbhoom, and all the independent joint-magistracies and deputy-collectorships, such as Pubna or Malda, collector-magistracies on 18,000. The total number of these would be eleven. (This would accord with the principle of the Honourable Member's plan of gradations of magistrates and collectors). The Cuttack collector-magistracies, which are also salt agencies, I would leave as at present, viz., 3 on 28,000. I would have 22 joint-magistrates and deputy-collectors on the present salaries of magistrates, viz., 10,800, and, as at present, 11 such officers on the lower salary of 8,400. My total of officers employed would be 96, and the expense 19,20,000.‡

25. I highly applaud and assent to all that part of the Honourable Member's scheme which relates to the location in the Mofussil of judicial and executive officers, instead of crowding them in zillah stations. This system has already been commenced, and it is most desirable that it should be extended. I have lately conferred on this subject with the very intelligent Commissioner of the Benares Division (under the North-western Provinces), and I am satisfied that the better mofussil administration which undoubtedly prevails in those Provinces, as compared with the Lower Provinces, is mainly owing to the general location of trustworthy

* On this point, see close of para. 33.

† See also close of para. 33, but compare para. 36.

‡ Throughout these comparisons, the collectorate of Calcutta and the magistracy of Howrah are omitted on all sides. The former is no more to be included than the chief magistracy of Calcutta, and the latter is a specialty, being a district without any revenue duties annexed.

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trustworthy agents in the interior of districts there—an advantage which is very much to be desired in Bengal. Mr. Tucker is of opinion, and I entirely agree with him, that it would be a great improvement if the subordinate mofussil officers were in all things subject to the collector-magistrate at the zillah station. At present the chain of subordination is broken in the criminal or magisterial line by directing the appeal from deputy or assistant magistrates in the interior, not to the zillah magistrate, but to the sessions judge.

26. I should gladly see our zillahs divided into convenient subdivisions, each under a deputy or assistant, covenanted or uncovenanted, authorised to act both as a revenue and magisterial functionary, and subject in both branches to the control of the collector-magistrate at the zillah station. Under these subdivisional functionaries, would be the darogahs of police. Such an organisation would, I am well assured, go near to prevent such hideous oppression as I lately found grinding down a large territory and driving the Ryots into Nepaul from the Zemindarree of the Rajah of Bettia; and it would do in the Lower Provinces what we are assured it has done or is doing in the Upper.

27. That it is necessary, abundantly necessary, to strengthen our subordinate police, is a fact on which the Honourable Member of Council has dwelt with a force of statement and argument to which all who know the country will give their ready assent. Not only are our thannah establishments too few for the absolute wants of the country, but, excepting the darogahs, they are paid so as almost to justify corruption. When a mohurir of a thannah is paid seven rupees a month, a jemadar eight, and burkundauzes 3-8 and 4, we may write and talk as we will, but no native can believe that we really set our faces against abuse. It is an especial disadvantage of this scale of payment that it forbids the introduction of a better class of men into the police. Our darogahs are now well paid, and their office may now lead to distinction and honour. But an inexperienced man however well educated, cannotbe employed as a darogah. To become a good darogah, a man should first serve as a good darogah's deputy. This can only be by entering the service as a mohurir on seven rupees a month; and how is it possible that a man of good education and honest intentions can take such an office, or taking it, fail to make shipwreck of his honesty?

28. The sooner this system of payment is changed the better; and I quite agree with the Honourable Member that, until this change is made, no striking improvement can be expected in the police. But I know not how long it may be before the Government is able to carry an improvement into effect which will involve so large an expense. Meanwhile, I see no reason for delaying minor improvements, which will cost little or nothing. To concentrate the executive power of a district in the hand of one collector-magistrate, will cost nothing, and might be done, if the Supreme Government would permit it, directly. To organise the subordinate establishments, covenanted and uncovenanted, and locate them in fit places in the interior, would cost what, in comparison with other proposals, might be called next to nothing, and might be done in the course of this year. And it would be a task on which, had I but the instructions of the Supreme Government, I should enter with the utmost confidence and alacrity.

(signed) *F. J. Halliday.*

Neamutpore, G. T. Road,
1 March 1855.

Extract from a Report in the Hurkaru Newspaper of the Remarks made by the Lieutenant-Governor of Bengal on the occasion of receiving a deputation of Indigo Planters, 10 November 1854.

"The great desire for appeal in these cases arises, no doubt, from the general feeling of the youth and comparative inexperience of the magistrates; and this, I admit, is a legitimate cause of doubt, and sometimes of dissatisfaction. But I can inform you that the Government have under consideration a plan for remedying this, by a return to the system of collector-magistrates. This, it is probable, will in time be generally carried into effect. But I have reason to hope that it will very speedily be effected in the chief indigo districts; and I have

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with me the Jessore committee, and even, I think, most of the gentlemen present, when I state my opinion, that this measure, by assigning the powers of the proposed Act to officers of greater experience, will render the appeal unnecessary, and will remove much of the objection now taken to the Bill."

(A true copy.)

(signed) *A. W. Russell,*
Under-Secretary to the Government of Bengal.

No. 10. Minute by the Hon. Mr. Grant, 8 May 1855.

— No. 10. —

MINUTE by the Honourable Mr. *Grant.*

Proposed Reorganisation of the System of Civil Administration in Bengal; including the Reunion of the Offices of Collector and Magistrate.

Dated the 8th May 1855.

1. The Honourable the Lieutenant-Governor of Bengal has sent up his views upon this question, which was raised before His Honor's Government was formed.

Having very fully explained my opinions upon the original project, in a Minute recorded under date the 23d of November 1854, and having therein set forth generally, but at some length, a project of my own, in my preference to which I am constant, by way of modification of the original proposal, I have not much new matter to place upon record on this occasion. I must, however, make some remarks upon the Honourable Lieutenant-Governor's Minute, chiefly in order to correct some mistakes into which his Honor has fallen in regard to positions taken up and arguments used by me. For, otherwise, I fear that those who have read my minute some time ago, and who might not be inclined to refer to it again in order to check in every point, by comparison with the record itself, the representation of its opinions and arguments contained in his Honor's criticism, might be misled in some points, much to the disadvantage of my side of this important question.

2. In the 2d paragraph of the Lieutenant-Governor's Minute these words occur:—"Before that time (1838 or 1839, when magistracies and collectorships began to be divided) the system in Bengal had been the same as it now is, and long has been, in the North-western Provinces, in Bombay, in Madras, in the Punjaub, in Burmah, in all the Non-regulation Provinces,—in short, all over British India; viz., the collectorship and magistracy were united in the hands of one officer." To any one not personally acquainted with the minute history of our changes of system in Bengal, the inference from reading this passage would naturally be that the system by which these two offices are united, not only was the system in force at the moment when the change of 1838 or 1839 was commenced, but long had been the system in force in Bengal (and in the North-western Provinces), in the same manner as it then "long had been" the system in force in Bombay, Madras, &c. To prevent any such mistaken inference, I must beg that a reference may be made to paragraph 4 of my Minute, where the history of the change is given. The union system in Bengal has no claim ever to have been a time-honoured institution, swept away by unpractised theorists and rash innovators in 1838. It was first introduced in Bengal about 1830 or 1831; and after a trial of seven years, it was weighed in the balance and found wanting by a police committee, which, after careful inquiry, reported against it in 1838, as being an experiment which had failed. That police committee comprised many able men, and amongst them none abler than Mr. Halliday, the present Lieutenant-Governor of Bengal.

3. In paragraph 5 of his Minute the Lieutenant-Governor writes thus:—"The union of the two offices seems, however, to have been viewed in the Minute before me as if Lord Dalhousie had proposed it as a cure for all existing evils in the police. And this being assumed, it is shown with great success that it can have no such universal effect:" and then his Honor proceeds to say that this view of Lord Dalhousie's proposal was unwarranted. Certainly, if any such view of Lord Dalhousie's proposal had been taken by me, it would have been unwarranted,

unwarranted, and, being unwarranted, it would have been culpable. But I never took any such view. I never imputed absurdity to the reasoning by which the proposal was supported; and on a careful reperusal of what I wrote, I am sure that, but for a thorough misapprehension of my whole argument, no such view would have been attributed to me. Substantially my argument was this. I laid down the position that a change of system, even though the new one may be better in itself than the old one, is an evil, inasmuch as it is a change, and that this evil should not be incurred for any other than a material advantage. I said "In my opinion it is generally worth while to make a change of system when that change removes material faults of principle, in what affects the foundations of a good administration. But I must confess myself to be slow to be convinced of the expediency of changes of system, which affect the outside and the form of things, but leave essential errors exactly where they were." In this position I fortified myself by authority. I proceeded by endeavouring to show that the proposed union of offices was at best a change of system affecting "the outside and the form of things," which could not, therefore, involve a material advantage. I went on to argue that, system for system, the proposed system was in itself open to grave objection. Now, this view may be right or wrong, but it has nothing either of the disrespectful or of the absurd character of the view imputed to me.

4. The Lieutenant-Governor has corrected a mistake into which I (and not I alone) have fallen in attributing to him the expression, before an assembly of indigo planters, of an opinion that the union of the offices of magistrate and collector would be "a great measure of practical reform": and he has shown that he said no more upon that occasion than that this union would remove the objection often taken to the youth of magistrates. I regret very much having fallen into this error, which was caused by my omitting to refer to the printed report of the Conference. I hope, when a reply is made to the Bengal Government, that there will be no objection to its conveying an expression of this regret to his Honor.

5. I must be allowed, however, in justice to my cause, to claim for my side of the question the support which the correction of my mistake has given to it. If the Lieutenant-Governor, who is in favour of the union, is careful to correct an erroneous belief of his having expressed an opinion that it would be a measure of great practical reform, those who, like the authorities I have quoted, object to changes of system except for objects of great practical reform, should be strengthened by the Lieutenant-Governor's opinion in their opposition to the measure.

6. In paragraph 11 of the Lieutenant-Governor's Minute, the following argument is used:—"To the present system, under which, as it has hitherto been worked, a proportion of such men have been, and, if the system be continued, will be magistrates without experience, the Honourable Member sees no objection." "But to the proposed system under which a like proportion will be magistrates, after having had experience, he has insuperable objections." Upon this I have to remark that I did see, and I do see, objection, and material objection, to the present system; and I beg to refer to paragraphs 8 to 11 of my Minute, where I have stated my objection in language which I should have thought strong and explicit enough. I admitted the justice of the objection of inexperience; I designated the system in its present shape as "strange and indefensible;" and I said there was a "glaring error" in the manner in which the system had been established. Because, nevertheless, I thought the mere reunion of the offices would make matters worse, I ought not to have been treated as seeing "no objection" to a system, the errors of which I had been at so much pains to bring into broad daylight.

7. Having been obliged, in order to set my argument once more upon its own legs, to take up so much space, I will endeavour to compress as much as possible what I have to say, by way of rejoinder, in support of the view I take of the question of the reunion of these offices.

8. I find only one argument to answer. It is maintained (see paragraphs 8 and 9 of the Lieutenant-Governor's Minute), that though it were successfully made out, which is not admitted, that the union of fiscal and criminal powers in

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one man is unsound in theory, it is successful in practice all over India, except in Bengal, and ought, therefore, to be at least as successful in practice in Bengal, where the collectors have less to do than elsewhere.

9. In paragraph 10 of my Minute I anticipated this argument, and, as the remarks there made remain unanswered, I need not recur to them. The examples of new provinces, such as the Punjaub, Pegu, and Nagpore, are now pressed into the service, and not only these provinces, but such wilds as Assam and the S.W. Frontier agency are treated as fit to become examples for the administration of the richest parts of Bengal. This is as though the civil administration of Middlesex should be modelled after that of the Isle of Skye. Surely no one doubts that poor countries and scanty populations must be governed in a manner conformable to their requirements, and to their means of paying for government; and that semi-barbarous people do not require the same expensive and refined system of administration as highly civilised people. And surely there is one method for people beginning to be broken into civilised government, and another method for people who have been under our laws for several generations. Besides it is inconsistent to stop here in this argument. Why does not the Lieutenant-Governor carry out his theory, and recommend the Calcutta police magistrates all to be appointed also collectors of abkaree and house-tax? If we are to remodel the administrative system of a Bengal zillah, with its immense real and personal wealth, its rich talookdars, its zemindars, and its English planters, after the system appropriate for our latest acquisitions, we should unite the offices not only of the collector and the magistrate, but also always that of the judge, and often that of the military commandant, in the same person.

10. But if we are to make this appeal from theory to practice, as our present business is only with Bengal, why is the appeal so carefully confined to all other parts of India, except Bengal, when we have actual experience in Bengal itself to appeal to? Why is the fact that we have such experience in Bengal itself so carefully kept out of sight? In a despatch from Bengal, I do not think this fact should have been ignored.

11. The Police Committee of 1838, though I was not a member of it, was too noted a subject in the history of the Bengal police to have been forgotten by me; I have, therefore, sent for the printed report of that Committee, which I circulate with this Minute. I request particular attention to paras. 8 to 12 of that Report, which are devoted to this particular subject.

12. That Committee not only took into its consideration a mass of official returns, which had been called for by Government, it sought "for information on a more enlarged scale, especially from private individuals, native as well as European, who had resided or were still residing in the interior, and whose local knowledge and experience in different parts of the country qualified them for giving the most valuable information."* The effect of the union of the offices of magistrate and collector was the first point to which the Committee in their Report adverted. They commence their remarks on this point with these words: "To the union of the office of magistrate and collector, injurious effects are generally attributed."† They quote, with approval, the opinion of an officer who writes: "In some districts, it (the police) is made over entirely to the deputy and joint magistrate; and where this is the case, I have generally observed that the duty is much better done."‡ The Committee themselves say: "We doubt much if, in the settled provinces, where the revenue is realised by the process of sale, and the collectors have little communication with the agricultural community but such as must unavoidably render them unpopular, any advantage is derived by the police from the conjoined influence of the collector, or if the greater experience available for the magistracy by means of that conjunction is not more than counterbalanced by the inconveniences resulting from it."§ So far the Committee report unanimously. They proceed to say: "The majority of the Committee, in concurrence with almost the whole of the gentlemen, both in and out of the service, who have been asked their opinions on the subject, think decidedly, that the efficiency of both departments would

* Report, para. 2, p. 1. † Para. 8, p. 3. ‡ Para. 9, p. 3. § Para. 10, p. 4.

would be much better secured, generally speaking, by entrusting the superintendence of each to a distinct functionary. We are of opinion that their attention would be less distracted by conflicting duties; that each would then be individually responsible for his own department, and enjoy the whole credit of his own exertions. And it will not be the least of the advantages resulting from such an arrangement, that no idle or incompetent person could then be long tolerated in either situation."*

13. To show the nature of the utmost possible difference of opinion there can have been between the majority and minority of the Committee upon this point, I will here cite the explanatory note with which the only two members who signed the Report in a qualified manner, namely, Mr. Lowis and Mr. Halliday, accompanied their signatures: "We have signed this Report, not because we agree in its contents, for we have made other propositions in a Minute rendered in the Appendix, but because, being overruled by the majority in respect to our own suggestions, we think those contained in this Report the next best."†

14. The only gentleman who at any time took a part in the labour of the Committee, and who in any degree supported the union of the offices, was Mr. T. C. Scott. Another member, who left the country before the Report was signed, was Mr. D. C. Smyth, who had the reputation of being quite the best, as he was one of the most experienced magistrates in Bengal. He recorded his opinion of the disjunction of the offices in these words: "I consider this division of labour to be indispensably necessary as a preliminary arrangement, and until this suggestion (the recommendation of the Committee to disjoin the offices) is carried into effect, I do not anticipate any improvement in the state of the police."‡

15. Mr. F. C. Smyth, at that time superintendent of police, thus records the result of his experience: "Nothing can be worse than the union. It is wrong in theory and evil in practice. I need not say anything more on this subject, as I believe out of Calcutta the opinions of the service are unanimous."§

16. Mr. Halliday, with whom is Mr. Lowis (and in whose opinion upon this point, as he then thought, I entirely agree), went further. He would not only have taken away from magistrates their fiscal functions, he would have taken from them also their criminal judicial functions, leaving them simply heads of police. He wrote: "The union of magistrate and collector has been stigmatised as incompatible, but the junction of thief-catcher with judge is surely more anomalous in theory, and more mischievous in practice."‖

17. In accordance with the recommendation of the Committee, the Bengal Government commenced upon the disjunction of the offices, which measure was completed in a short time. Such was the judgment pronounced upon the union, after an experience of its effects for seven or eight years. Such is the result of that appeal from theory to practice, which has been insisted upon.

18. I beg it to be understood, that although the result of the mature consideration which I was obliged to give to this question of system, when I came to write a formal minute upon it, and of the perusal of the judgment passed upon one of the rival systems, after adequate trial, in 1838, has been to convince me that the system of the union of the offices is, in Bengal, the worse of the two, I do not rest my main objection to the proposed change of system upon that conviction. Many, who I know may be in the right, differ from me in this view; and upon this point my own mind was almost in a state of indifference when I began to examine the question. We are all apt to magnify the evils before us at the moment, and to connect them more than the facts warrant with the present system, whatever it is. Perhaps the Committee of 1838 magnified the evils then before their eyes; attributed them more to the system than could fairly have been attributable to any mere system; and were too ready to flee from evils that they knew, to evils that they knew not of: as I believe many of us now

* Para. 12, p. 4. † Report, para. 30. ‡ Appendix, p. v.
§ Appendix, p. xi. ‖ Appendix, p. xx.

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now magnify the evils before our eyes, and attribute them, more or less unfairly, to mere system; and are too ready to flee to evils which, if it cannot be said that we knew not of them, it must be said (of some of us at least) that we have forgotten them. Let it be taken, that without other fundamental reforms, either system better administered would be better than the other, administered as either has yet been: that merely as systems, it is, as the saying is, six of one and half a dozen of the other. I wish to give the Lieutenant-Governor's recommendation every advantage. I will therefore grant him that he and his colleagues, and his Government had no solid ground for what they recommended, and what they did, in 1838 and 1839. As that recommendation was the result of extensive and special inquiry made, and of much evidence taken, and as it was the result of the joint deliberation of many experienced officers, I think I do not claim more, in return, than unprejudiced people will generally grant me, when I say that the present recommendation, not being the result of any such special measures, cannot at present claim any more solid ground. There was a stir about the badness of the police in 1838. Mr. Halliday then recommended the disunion of the offices of magistrate and collector, which was effected. There is a cry about the badness of the police now. Mr. Halliday now "strongly recommends" the union of the offices of magistrate and collector. Are we never to get out of this round? Can it be right in the Government of this great country to spend its time and its energy, and the time and energy of its officers, always in turning half a dozen into six, and then in turning six back again into half a dozen?

19. I am sure that in the high quarter in which this proposal was first approved, if I have succeeded in showing that the change is not materially for the better, I shall have done all that is necessary for my case there.

20. As to my general objections to change for the sake of change, I have written at greater length, and more earnestly, than many will think appropriate to the occasion. But I have here desired to record once for all my protest against a method of administration which has been, in my opinion, too rife in this country, for the last quarter of a century.

21. Every one who takes this line must make up his mind to be charged as an obstructor of measures of improvement. But I have given earnest of my not being bigoted to the existing state of things, which in the matter of police and criminal justice I have disapproved of in strong language, for reasons assigned. I ask for the consideration of those reasons; and if they are admitted to be valid, I ask for such a reform as will really meet the evil. I have objected, for reasons assigned, to many parts of the scheme of reform submitted from Bengal. If these reasons are invalid, the sooner my objection is overruled the better. If they are not invalid, something more must be done. I have shown that I am no mere objector, by proposing a scheme, which professes to be complete in itself, for the reform of the Bengal Administration, in respect both to police and criminal justice. I pledge myself to the practicability of this scheme, and to its facility of introduction; and I affirm, that every one who will thoroughly acquaint himself with what the true evils of the present state of things are, will admit that my scheme of reform goes to the root of them all, and that nothing short of it will do so. If so much is admitted, I maintain either that this whole scheme should be immediately introduced, or that some other more efficient, and of course more costly, scheme should be immediately introduced. I maintain that so great is the evil, that no scheme that does not go to the root of it should be looked at; for as a question of national economy, it is not possible that the continuance of such a state of things as exists in such a populous and wealthy country as Bengal, can be otherwise, in reality, than extravagant and wasteful in the highest degree.

22. The Lieutenant-Governor mistakes the character of my plan, when he observes, that in the salaries of covenanted officers it will be more expensive than the present plan. There are now 37 officers, who are, in fact, district magistrates.* There are now only 26 zillah judges. My scheme, generally speaking, will

* Magistrates - - - - - - - - - - - - 26
Magistrates and Collectors - - - - - - - - - 3
Joint Magistrates and Deputy Collectors - - - - - - - 8
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will not require more magistrates than there are judges; because the magistrates will be merely superintendents of district police. It does not affect collectors at all, but will certainly make it easy to reduce either the numbers or the salaries, or both, of the collectors and magistrates, and of the joint magistrates and deputy collectors. Besides, it is only necessary to alter the proportions of the several grades, to make the expense of the plan as much or as little as is desired.

23. The reduction of the number of magistrates by 10 or 11 will have the real effect of throwing back promotion to the office, and so of increasing the experience of the youngest magistrate by nearly two years. The equalisation of the salaries of magistrates and collectors will have the real effect of doubling the experience of the oldest magistrate. Here, then, the objection to the general inexperience of the magistrates is met by more than doubling their present experience, without making any union of incongruous duties for that purpose.

24. I disagree with the Lieutenant-Governor in thinking that the union of offices is not inconsistent with the further reforms I propose, or any of them. Under my system, the zillah magistrate will be over his whole zillah what the chief magistrate of Calcutta, who tries very few cases, would be in Calcutta if he tried no cases at all. Nobody, in that event, would think of doubling the chief magistrate's work, by giving him fiscal duties. With fiscal duties to occupy half his time, and to call him from his police work, perhaps at the very moment when it is most essential to that work that he should be attending to it only, it would be absolutely impossible for any one man himself so to control all the police darogahs and deputy magistrates of a zillah, and himself so to manage the great business of keeping the peace, and bringing criminals to justice, in a Bengal district, as the plan essentially requires.

25. I disagree fundamentally with the Lieutenant-Governor on the question of the sufficiency or insufficiency of the pay of the police darogahs. His Honor thinks the police darogahs in Bengal are now sufficiently paid. I think they are most insufficiently paid. There are now 527 darogahs on the average pay of less than 60 rupees a month.* A darogah cannot do his work without a horse, a palankeen, or some conveyance. He can hardly keep a conveyance for less than 20 rupees a month. His constant locomotion must entail other constant expenses upon him. He is in a position which makes him more likely to be tempted, and less likely, if corrupt, to be detected than any other native officer. Upon his conduct, the happiness of the people, and the security of their property, real and personal, in effect more greatly depends than upon that of any other native officer. How, even if we had no experience to guide us, any one could maintain that 50 rupees a month, with prospects worth something less than 10 rupees a month more, is sufficient pay for this class, I do not understand.

26. But what does experience teach us? Before the Police Committee's Report of 1838 the police darogahs received 25 rupees a month. Perhaps some people thought them then sufficiently paid. Whatever may have been thought of their pay, their character then was so bad, that it is hardly describable in words. No one seriously denies that it has been generally improved by the increase of pay granted in 1839. It is even asserted by some, that a few somewhat respectable darogahs actually exist. But no person, European or native, capable by personal experience of being a witness on such a question, is to be found, who will say that the general character of this class of officers is not very bad now. This fact is certain.

27. The Lieutenant-Governor, therefore, unless he is prepared to maintain the general excellence of the darogahs, as a class, which I treat as impossible, must maintain

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			Total Salary per Mensem.
* 50	First Grade Darogahs at	100	5,000
100	Second „ „	75	7,500
377	Third „ „	50	18,850
527			31,350

	Rs.	a.	p.
Average per Darogah	59	7	9

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maintain that competency, and fair prospects of rising by merit to high rank and emoluments, will not have the same good effect upon this class, which it has had on native judges, deputy collectors, deputy magistrates, and sub-assistants. Why it should be imagined that this should be so, I am at a loss to conceive. I am myself quite sure that it will not be so.

28. I have advised a reduction in the very large increase of pay proposed by the Bengal Government for native judges; which, if agreed to, will afford material assistance in raising the pay of police darogahs. By adopting a system of head darogahs, each with, say three deputy darogahs subordinate to him, I believe the great object of having all the thannah police under an officer of real respectability, not too far off to be useless, will most chiefly be attained. But a new class of officers, as assistant darogahs, must be provided; and upon the whole, if we really intend to do any good, we must make up our minds to a large increase of outlay upon this important class of officers.

29. Making the head darogahs a body of men equal in general respectability to the class of moonsiffs, will be an immense step in itself. But as far as dacoities, affrays, and forcible entries are concerned, nothing can be done without an effective body of police peons. The main expense of any rational reform of the police will be in this particular.

30. The subdivision of districts, and the grant of criminal judicial powers to the native judges dispersed through each subdivision, will cost little; nothing, in short, beyond any augmentation in the number of judges, which in some places may be requisite.

31. It is unnecessary to enter into more minute details till the principle of my scheme generally shall have been pronounced upon.

8 May 1855. (signed) *J. P. Grant.*

No. 11. Minute by the Hon. Mr. Dorin. 11 May 1855.

No. 11.

MINUTE by the Honourable Mr. *Dorin.*

Improvement in the System of Civil Administration in Bengal, including the Reunion of the Offices of Collector and Magistrate, and the Augmentation of the Pay of Native Judges.

Dated 11 May 1855.

These subjects have been so fully discussed in the papers and minutes now circulated, that I think nothing remains but to refer them for the ultimate decision of the Most Noble the Governor-General.

I wish I could add that our financial prospects justify the expectation that we can afford to incur much present expense, either in the improvement of the police, or the augmentation of the pay of our native judges; but unfortunately this is not the case.

With projects for fresh outlay constantly before us, and these appeals for the correction of the general administration of the country that can hardly be resisted, we find ourselves with an excess of expenditure over income largely increasing, and which in the present year, or rather I should say the year just past, is estimated to amount to no less a sum than two millions and three quarters sterling.

This fact has recently been so palpably before us, and the probability of relief is so uncertain, that it is impossible to overlook it in considering the important questions now under discussion.

Dated 11 May 1855. (signed) *J. Dorin.*

— No. 12.—

No. 12.
Minute by the Hon. Gen: Low.
19 May 1855.

MINUTE by the Honourable General *Low.*

Proposed Reorganisation of the System of Civil Administration in Bengal, including the Reunion of the Offices of Collector and Magistrate.

Dated 19 May 1855.

I HAVE no doubt that the duties of magistrate of a district can be well performed in Bengal, as we know them to be in other parts of India, by an European officer who also holds the office of collector of revenue, provided that he has a sufficient number of zealous and trustworthy men to execute his orders; but if Government can afford to give adequate salaries to both, I think, for the reasons so well stated by our honourable colleague Mr. Grant, that it would be a more permanently effective measure to keep the very different sort of duties and pursuits of collector and magistrate in the hands of two separate officers; so that each of them may have the power to devote his whole time to his own line of employment, an object which in the case of the magistrate is in a peculiar degree desirable.

But the magisterial work of a district, in a large sense of that expression, can never be thoroughly well done till we shall have an efficient body of native police officers, down to the peons; and I fear that many years must yet elapse before such an improvement in the moral feelings and the habits of the inhabitants generally of Bengal shall have been brought about, as to render it possible for us to have a complete set of good police native officers of all grades in any one district; that is no reason, however, why we should not persevere in our endeavours to find, or to form, such instruments as we require; on the contrary, we are bound in honour to do our utmost to effect that most desirable change in our native police officers; and I know no plan, so far as it goes, so likely to be successful towards the ultimate attainment of that object, as that which is so well described in the 34th paragraph of the report, dated Calcutta, 18 August 1838, by the commission, of which Mr. W. W. Bird was the chairman, and of which, for convenient reference, I herewith subjoin a copy.

19 May 1855. (signed) *J. Low.*

Paragraph 34.—" From all this most unquestionable testimony, it is obvious that the allowances of this class of officers, not being sufficient to enable them to keep up an appearance corresponding with their situation, they must take, in some shape or other, from the people what the Government refuse to allow, and thus the Government, in fact, impose upon the community the payment of whatever sum, short of the allowed salary, is necessary for their decent subsistence. An increase to that extent, therefore, if only to remove a fair justification for exaction, seems indispensably requisite. Moreover, it is impossible to expect in thannadars an exemption from those motives and feelings which actuate all other classes of mankind, and accordingly the same rewards and inducements must be laid before them. If it be necessary to retain the services of respectable natives for these appointments, not only should their salaries be increased to such amount as will enable them to keep up at least a creditable appearance without exaction, but they must have something to look forward to; and despair of ever being able, by any exertion or good conduct on their part to better their situation beyond the actual receipt of 25 rupees a month, must no longer be allowed to drive them to make the most of their opportunities. Grades of thannadars should be established in the same manner as there are classes of moonsiffs and sudder ameens, promotion to the higher grades being held out as the reward of length of service and certified good conduct. Such system has been found to succeed in the judicial department, and there is no reason to doubt that it would be equally successful with the police."

No. 13.
Minute by the Hon. B. Peacock.
15 May 1856.

—No. 13.—

MINUTE by the Honourable *B. Peacock.*

Proposed Reorganisation of the System of Administration in Bengal, including the Reunion of the Offices of Collector and Magistrate.

Dated 15 May 1856.

I HAVE read the whole of the papers connected with this subject with that care and attention which the importance of it demands.

It appears to me that in theory the union of the offices of collector and magistrate is extremely objectionable; and judging from the practical operation of it during the short period in which the system was in force in the Lower Provinces of Bengal, I think that it would not be wise to revert to it.

From the year 1780 to 1787 the offices of judge and collector were held by different persons. But in the latter year it was resolved that the office of judge should be held by the person who had charge of the revenue, and from that time until the year 1793 the several duties of collector, judge, and magistrate were discharged by the collector.

In 1793 the Marquis Cornwallis determined to vest the duties of collecting the revenue and of administering justice in separate officers. In his minute upon that occasion he made the following remarks: "There is no class of men which Government should watch with greater jealousy, and over whom the regulations should have a stricter control than the officers who are intrusted with the collection of the revenue. It is necessary to arm them with powers to enforce their demands in the first instance, otherwise individuals, under the pretext of disputing the justness of it, might protract the payment of what is due from them, and render the collection of the public revenue either impracticable or an endless source of trouble and litigation. But to prevent the abuse of this power there should be courts of justice ready to punish oppression and exaction, and the people must be satisfied that the remedy will be certain and effectual, and that it can be expeditiously obtained. Accordingly, by Regulation 2, 1793, the office of collector was separated from that of judge and magistrate, and it was not until after the year 1821, viz. about the year 1829, that the offices of collector and magistrate were again united under the provisions of Regulation 4 of 1821. Many of the reasons which were assigned in the preamble of Regulation 2 of 1793, for withdrawing from the collectors their judicial powers may be now urged with equal force against reinvesting them with that portion of the judicial powers which are now vested in the magistrate, and which have been greatly increased since that date."

The following is an extract from the preamble of Regulation 2 of 1793:—

"Exclusive of the objections arising to these courts from their irregular summary, and often *ex parte* proceedings, and from the collectors being obliged to suspend the exercise of their judicial functions whenever they interfere with their financial duties, it is obvious that if the regulations for assessing and collecting the public revenue are infringed, the revenue officers must be the aggressors, and that individuals who have been wronged by them in one capacity can never hope to obtain redress from them in another."

"The collectors must not only be divested of the power of deciding upon their own acts, but must be rendered amenable for them to the courts of judicature, and collect the public dues subject to a personal prosecution for every exaction exceeding the amount which they are authorised to demand on behalf of the public, and for every deviation from the regulations prescribed for the collection of it."

The offices having been separated in 1793, and reunited in 1821, continued to be held by the same officer until they were again separated in consequence of the Report of the Police Committee presented in 1838.

In that Report, paragraph 8, the Committee say, "To the union of magistrate and collector injurious effects are generally attributed. The union which formerly existed between the offices of judge and magistrate was not so prejudicial, because police was the primary object with the judge and magistrate; but it has been secondary with the magistrate and collector. Civil business, it has been observed, could wait, but the Government cannot wait for its revenue.

In

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In neither case is such a union desirable." In paragraph 12 they say, "The majority of the Committee, in concurrence with almost the whole of the gentlemen, both in and out of the service, who have been asked their opinions, think decidedly that the efficiency of both departments would be much better secured, generally speaking, by intrusting the superintendence of each to a distinct functionary." Mr. Smith in his Minute, Appendix C., remarks, "Nothing can be worse than the union. It is wrong in theory and evil in practice. I need not say more on this subject, as I believe out of Calcutta the opinions of the service are unanimous." With this experience I think the reunion would be taking a step in the wrong direction. There is a considerable difference between the revenue systems of Madras and Bengal; but I think it may not be out of place to refer to the remarks of the commissioners for the investigation of alleged cases of torture in Madras upon the subject of disuniting revenue and police functions.*

I concur with Mr, Grant in thinking that it would be objectionable to render the judge of the district subordinate to the Commissioner of Revenue and Police, or to equalise the salaries of the judge and of the collector.

(signed) *B. Peacock.*

15 May 1856.

— No. 14. —

No. 14.
Letter from C. T. Buckland, Esq., to Cecil Beadon, Esq.
4 June 1856.

LETTER from *C. T. Buckland*, Esq., Junior Secretary to the Government of Bengal, to *Cecil Beadon*, Esq., Secretary to the Government of India, Home Department.

Judicial.—No. 1690.

Sir, Dated Fort William, 4 June 1856.

I AM directed to forward, for the purpose of being laid before the Right Honourable the Governor-general of India in Council, the accompanying copy of a minute recorded by the Lieutenant-governor under date the 30th April last, together with its annexures, having reference to the improvement of the police and the administration of criminal justice in Bengal.

(signed) *C. T. Buckland,*
Junior Secretary to the Government of Bengal.

— No. 15. —

No. 15.
Minute by the Hon. the Lieut.-Governor of Bengal.
30 April 1856.

MINUTE by the Honourable the Lieutenant-Governor of *Bengal.*

POLICE AND CRIMINAL JUSTICE IN BENGAL.

Police.

For a long series of years complaints have been handed down from administration to administration regarding the badness of the mofussil police under the Government of Bengal, and as yet very little has been done to improve it. Such efforts as have occasionally been made for this purpose, have been usually insufficient to meet the greatness of the evil, partial remedies have failed to produce any extensive benefit, and during long intervals the Government has appeared to fold its hands in despair, and to attempt nothing new, because the last tried inadequate measure had ended in inevitable disappointment.

2. Meantime the ill success of our administration in this particular has been an endless theme of reproach to the Government, accompanied often by the grossest exaggerations, and very rarely by any sound and practical suggestions for

* Paras. 79 to 86.

No. 15. Minute by the Hon. the Lieut.-Governor of Bengal. 30 April 1856.

for improvement.* And the weight and moral authority of the Government have undoubtedly been affected by contiuual invective on a subject regarding which, while little or no defence was attempted, the Government yet appeared indisposed to make any real effort towards reform.

Former Measures.

3. For what, after all, has been done to improve the police during the last 30 years?—We have ceased, it is true, to expect integrity from darogahs with inadequate salaries and large powers, surrounded by temptations and placed beyond the reach of practical control; and we have somewhat curtailed the excessive and unmanageable extent of our magistrates' jurisdictions by the gradual establishment of 331† subdivision magistrates. But beyond this, and not speaking at present of the special and peculiar machinery lately set up in a few districts for the suppression of dacoity, I know not what else has been attempted; and even with regard to these two instalments of improvement, the halting hesitating way in which they have been effected, has prevented the full benefit which might otherwise have been expected from them. Before the first of these improvements, our stipendiary police in the Regulation Provinces consisted of some 484 darogahs or thannadars scattered at distant intervals over a territory of 150,000 square miles, and a population of 35 million souls; being, say, one darogah, or superior police officer, to 309 square miles and 72,314 souls. Each of these potent functionaries was paid 25 rupees a month, avowedly less than he could live and move about upon; and each had under him, generally, a mohurir or clerk, and a jemadar or head constable, on salaries ranging from four to eight rupees a month each, but with powers equal on most occasions to those of the darogah himself. Subordinate to these, at each thannah, was an establishment of from 10 to 20 burkundauzes or constables, often deputed with large powers into the interior, and paid each man from 3-8 to 4 rupees a month, a salary notoriously inadequate. It was a step in the right direction, doubtless, when the Government of Lord Auckland determined thenceforth to pay no darogah less than 50 rupees per mensem, and to allow to 100 of the number 75 rupees, and to 50 of them 100 rupees per mensem. But the good of all this was tarnished by the omission to do anything for the lower grades of police officers. For it was impossible to become a good darogah without an apprenticeship; and when the apprenticeship was to be served in the midst of great power, great temptation, and the traditions of unavoidable corruption in the station of a thannah mohurir on 7 rupees a month, what was to be expected from such a training?—or how, train the darogah as you might, could you expect purity and integrity until you had cleansed away from about him the foul atmosphere of corruption necessarily engendered by the aggregation of ill-paid and unscrupulous underlings, with whom bribery and extortion were almost a necessity, and had long been the habit of their lives?

Recent Recommendation.

4. This great evil has been more than once commented upon by Mr. Dampier, the late superintendent of police, and a remedy proposed. I trust that it may now shortly undergo reform, as I last year submitted to the Government of India an earnest recommendation founded on Mr. Dampier's propositions for an increase to the salaries of mohurirs, jemadars, and burkundauzes by a system of gradation.‡ And unless financial difficulties interpose, I cannot doubt that this measure must ultimately be honoured by the approval of the Governor-General in Council. But if this be not granted, all thought for the improvement of the police will, I fear, be but thought thrown away.

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* Several very valuable suggestions have been submitted to Government from time to time by the late superintendent of police, for the improvement of the system, and I shall have occasion to avail myself of them, more or less, in the measures I am about to propose.

† This is now the number of subdivisions in the Regulation Provinces.

‡ Full details of the proposed measure, and cogent arguments for its adoption, will be found in Mr. Grey's letter to the Government of India, No. 774, of 30 April 1855. It was proposed to divide mohurirs into three grades, on 30, 35, and 40 rupees per mensem. Jemadars into three grades, on 10, 15, and 20 rupees; and of the burkundauzes, one-fourth at 6 rupees per mensem; one-fourth on 5 rupees, and the rest on 4 rupees. The whole increased cost to be incurred would be 3,38,609 rupees per annum.

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Subdivision Magistracies.

5. The establishment of subdivision magistracies had in it, doubtless, the elements of a very important reform, and as far as it has been yet carried has certainly effected much good. But as yet it has been carried to a very small and inadequate extent, and it has therefore seemed to the public eye almost to have operated as a failure. Beyond all doubt we shall ever fail to establish a good and trustworthy system of police unless, together with other improvements, we establish a close, constant, and vigorous control over our police agents, and a ready access to justice for all persons, so that the appeal of the weak against the strong may be at all times possible and effectual.

6. Throughout the length and breadth of this country the strong prey almost universally upon the weak, and power is but too commonly valued only as it can be turned into money. The native police, therefore, unless it be closely and vigorously superintended by trustworthy officers, is sure to be a scourge to the country in exact proportion to its strength and power. For this indispensable superintendence no adequate provision has ever yet been made, nor can any provision be considered adequate which does not supply at least one capable and trustworthy magistrate for every two or at most every three thannahs. At present, however, our establishments do not comprise more than 70 executive magistrates, covenanted and uncovenanted, over four hundred and eighty-four* thannahs, being at the average rate of about seven and a quarter thannahs to each magistrate, a proportion much below what is requisite: and the distribution of even this number of magistrates is extremely irregular.

Village Chowkeydars.

7. Of the vast importance of the rural police, the village chowkeydars, and the strong necessity for fortifying and improving their character and position, there has never been but one opinion; and from as far back as 1784, down to the date of Lord Hastings' celebrated "Police Minute," and again from that time till the Police Committee of 1837, down to Mr. Dampier's frequent comments on the subject in his annual reports, all who have written or spoken on the subject have invariably urged the necessity of directing constant and vigilant attention to the preservation and improvement of this ancient institution of the country. Yet though more than one expedient for this purpose has been devised and discussed, nothing has ever been carried into execution; and it is a lamentable but unquestionable fact that the rural police, its position, character, and stability as a public institution, has in the Lower Provinces deteriorated during the last twenty years. It is now diminished in number, and impaired in efficiency, while its rights have been seriously and successfully attacked and undermined; so that, unless some speedy measures be taken to save it, it is in danger of perishing altogether from the face of the land, and passing out of use, if not out of remembrance.

8. Thirty years ago, the old opinion was still prevalent among the magistrates, an opinion handed down from the Dowdeswells, Elliots, Bayleys, and other magistrates of renown, that it was the highest duty of a magistrate to uphold the village police, to cause all vacancies to be properly filled, and to see to the fair payment of all members of the body. There is no doubt that these exertions were in those days effectual towards the object in view, and that the village police were kept from falling into decay by the determined and persevering interest shown by the magistrates in their behalf.

9. The manner in which Mr. W. B. Bayley, when magistrate of Burdwan, in 1811, exerted himself to keep up the efficiency of the village police, which has often been held up as an example to succeeding magistrates, has been explained by him in the following words, quoted from his report to Government of 1812: —"I explained," he says, "to the talookdars, munduls, &c., the necessity of giving a sufficient provision to their respective chowkeydars, and urged to them as

* I find this number of thannahs in the Regulation Provinces in the Appendix to the Circular Orders of the Superintendent of Police, printed in 1854.

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as strongly as I could, the advantage which would result to the prosperity of the country and its inhabitants, by furnishing to every chowkeydar such means of subsistence as might prevent them from committing thefts and robberies, in order to support themselves and their families. Upon this principle I have to the utmost of my power prevented all attempts on the part of the landholders, &c., to resume any portion of the Chakeran lands, or to remove or appoint any chowkeydar without a previous inquiry into their conduct and character by the magistrate."*

10. The great difficulty indeed, regarding the village police, which has been commented upon by all who have directed their attention to the subject since the beginning of the century, is that they are inadequately and uncertainly paid. They are kept in a permanent state of starvation, and though in former days magistrates battled for them with unwilling zemindars and villagers, and were encouraged by Government to do so, it has been discovered in later times that this is all against the law; and magistrates, contrary to the doctrine of earlier times, have been actually prohibited from interfering in favour of village watchmen, it being ruled that this is altogether an affair of the people themselves, who may pay watchmen or not, just as they think fit. Village watchmen are now declared to have no legal right to remuneration for service, and (the help of the magistrate being withdrawn) they have no power to enforce their rights even if they had any rights to enforce. Hence they are all thieves or robbers, or leagued with thieves and robbers, insomuch that when any one is robbed in a village, it is most probable that the first person suspected will be the village watchman.

11. Mr. Millet made a careful inquiry into the law on this subject in 1842, and came to the conclusion that it was optional with the zemindars and villagers to maintain the village police or not. I quote in the margin † a part of his Report to the Bengal Government on this subject.

12. Since that date, although very great advantage has been taken by the zemindars and others of the law as thus declared, to get rid of chowkeydars, and often to appropriate their old-established service lands, a slight check has been given to the progress of this deterioration by a decision of the Sudder Court, in April 1854, whereby it was decided that an obligation lay upon a zemindar to appoint to a vacant chowkeydarship. It was, however, not decided, and on the contrary, the judges were divided on the point, whether a magistrate could enforce this obligation by fine, without which the obligation may be little more than nominal, and if so, the condition of the chowkeydar is likely to remain as starved and helpless as ever. Yet, miserably impaired as the institution of the village police has become, it is still true that no police can be effective without their help, and that, as stated in the Minute of Lord Hastings, dated 2nd October 1815, "it is from the chowkeydars that all information of the character of individuals, of the haunts and intentions of robbers, and of everything necessary to forward the object of police, must ordinarily be obtained; they are the watch and patrol to which the community looks for its immediate protection, and on the occurrence of a crime the darogah's only mode of proceeding is to collect

* Mr. Bayley's Report to Government of 1812.

† It appears from the 12th Article of the Regulations of the 7th December 1792, and parts of the correspondence above extracted, that it was not the intention of the Government to interfere with the establishments of the common village police, further than by registration, and by placing them under the control of the darogahs, to make them more efficient auxiliaries to the Government police.

"That article was embodied in the Code as Section XIII., Regulation XXII., of 1793, and the registration of the village police, and in addition to them, of all watchmen or guards employed by individuals, was enforced by the penal provisions of Section XXI., Regulation XII., of 1807."

"Section XIII., Regulation XXII., of 1793, was rescinded by Section II., Regulation XX., of 1817, but re-enacted in substance and extended in Section XXI. of the same Regulation, although the landholders and other persons, to whom the right of nomination to vacancies in the village watch belong, are required to transmit the names of the persons they may appoint to the police darogahs; the law does not empower the magistrates to compel such nomination, or interfere respecting the allowances, whether in land or money, of the village chowkeydars actually employed, and the magistrates have been directed" (by order of the Nizamut Adawlut, 26 August 1831) "to confine their interference with the chowkeydars paid by the people, to those cases in which they are authorised to interfere by the existing Regulation." And Mr. Millet, in another part of the same Report, intimates his opinion, "that it is at the option of the zemindars and the cultivators to maintain or discharge the village chowkeydars."

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collect the watchmen of all neighbouring villages, and to question them as to all the circumstances, with a view to get from them that information which they only can afford."

13. The village chowkeydars are, in short, the foundation of all possible police in this country, and upon their renovation, improvement, and stability depends the ultimate success of all our measures for the benefit of the country, in the prevention, detection, and punishment of crime. To what a state of corruption, however, this most important branch of the police system had fallen, was strongly illustrated by the late Mr. Bethune, in his Minute of the 27th May, 1851, of which the following is an extract :—

"The evidence I have seen of this is now thirteen years old, but the complaints recently made of outrageous dacoities, and acts of violence, point rather to a deterioration than to an improvement of the practical working of the system since that time. I took the following striking comparison from Speede's Criminal Statistics of Bengal, in which some of the results obtained by the police commissioners in 1837 have been digested and arranged in a tabular form. The returns made to Government for the years 1833, 1834, 1835, 1836, show the average number of persons annually convicted for crimes and offence of all kinds in those years, to be 31,843 :* and, taking the population of the districts to which these returns apply to have been 38,717,874, as estimated in the magistrates' returns, the proportion is about 1 convict to 1,219 persons.

"The commissioners of 1837 obtained also a return of chowkeydars dismissed from the police force during the years 1835, 1836, 1837,† with the causes of dismissal. From this return, it appears that the whole number of chowkeydars (with the exception of six districts from which accounts had not been received when the table was compiled) was 1,30,305, and, therefore, were they no worse than the rest of the population, the number of persons among them guilty of every kind of offence known to the calendar, at the rate of 1 in 1,219, would be under 107 annually, or 321 in the three years included in the return. What were the facts? The whole number of chowkeydars dismissed for misbehaviour in those three years, instead of 321, is 1,130.

Of whom, for Murder and Thuggee	19
Burglary	39
Robbery and Theft	357
	415

that is to say—

"Nearly one-fourth more, in proportion to their number, for these heinous crimes, than were convicted in all the Lower Provinces of Bengal for all offences of every kind.

"The full complement of 1,130 is made up as follows :—

Class 1st.		
Murder and Thuggee	19	
Burglary	39	
Robbery and Theft	357	
		415
Class 2nd.		
Embezzlement or Forgery	42	
Perjury, False Evidence, or False Complaint	55	
Bribery, Extortion, or Oppression	28	
Affrays, Assaults, or Wounding	96	
Accessaries to Crimes	70	
Concealing Crimes or Aiding Escapes	178	
		469
Class 3rd.		
Bad Character or suspected of Crime		246
		1,130

"I have

* Speede's Criminal Statistics, p. 149; ditto, p. 174. † Speede's Appendix, p. 7.

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"I have not included in this list—

31	dismissed for	contumacy.
33	„ „	intoxication.
7	„ „	being asleep on duty.
71		

meaning only to select those offences which it is the direct object of a police force to prevent and discover."

Itseems to me that this statement renders it superfluous to enumerate in detail the expressions of dissatisfaction, however strongly worded, of those who understand the working of the system. The whole is summed up by the commissioners in the following terms:—

"49. The most urgent necessity exists for a thorough revision throughout the country. The establishment (of village watchmen) is described not only as utterly useless for police purposes, but as a curse instead of a blessing to the community. Is even a question whether an order issued throughout the country to apprehen and confine them would not do more to put a stop to theft and robbery than any other measure that could be adopted."

14. Various plans have been proposed for amending this state of things, and a good deal of paper has been covered with written discussions regarding them, but nothing has ever been done; so that many persons have come to think it a thing impossible to do any good in that direction, and have ceased from all effort accordingly.

15. Not to disinter any more ancient projects of this kind, I will now go no further back than the last, which was a plan submitted to the old Legislative Council of India by the Marquis of Dalhousie, as Governor of Bengal, on the 11th July 1853, and which was intended to give to the Government of Bengal the power of extending the system of Regulation XXII., 1816, now applicable only to towns in which a covenanted magistrate is stationed, to all parts of the country at discretion. This, however, was objected to by the Honourable Mr. Peacock, on very valid grounds, as set forth in his Minnte of the 6th March 1854, in which it was shown, conclusively, that the length to which the proposed law would go would involve a violation of the engagement entered into by Government at the time of the Permanent Settlement. Accordingly, the bill of Lord Dalhousie was modified, so as to exclude the rural police, and made to apply only to populous towns, stations, and bazaars, and in that shape is at this moment pending before the Legislative Council.* Regarding rural police, Mr. Peacock, while showing very strong reasons why it would be in his judgment impolitic to levy, as proposed by Lord Dalhousie's Bill, rent tax of 5 per cent. for

* As the establishment of this town police is a matter of great importance, and the method of taxing the inhabitants of towns for the purpose requires the most careful consideration, I desire to quote in this place the remarks I have addressed to the Legislative Council on the subject:—

"If the existing system be preserved, the Lieutenant-Governor would advise that the maximum limit of 2 rupees be abolished. He has found this very generally complained of as unjustly favouring the rich, and causing obvious and invidious inequality of taxation."

"The plan, however, which, in the Lieutenant-Governor's deliberate judgment, is the most suited to the people, and would nowhere be unpopular, would be a system of town duties, levied and managed by a head punchayet and a local collector, under the control and direction of the magistrate. This is a mode of taxation which the natives are quite accustomed to in their hauts and markets, which they accordingly prefer to any direct taxation, and under which they might gradually be induced to contribute more largely than would be required for mere watching; so as, without incurring unpopularity, to allow of the introduction of other municipal improvements into the principal towns."

"The present town chowkeydaree system, with its always ill-chosen, reluctant and jobbing punchayets, its favouritism and inequality, its inquisitorialness, its direct monthly calls for cash, its summonses, its notices and its harassing concomitants of distress and sale, is, the Lieutenant-Governor is thoroughly persuaded, one of the most unpopular institutions we ever forced upon the people, and of this, which is well known to the Lieutenant-Governor from extensive personal inquiry and observation, the papers now submitted afford good proof. To extend this very unpopular system, will be very distasteful to the people; but since there ought to be a police in our large towns, and this police must be paid by means of a taxation of some kind, the Lieutenant-Governor would desire to record his conviction, that the safest and best way of doing this (at all events in the Lower Provinces of Bengal), and the way most acceptable, or at any rate least unacceptable, to the people, will be by re-introducing a system of town duties in a form modified to suit the occasion."

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for the support of that establishment, added, "I would not exempt the owners or occupiers of land from any liability to contribute to the support of village watchmen which may attach to them according to the custom and usage which has prevailed in each village. The custom to maintain watchmen seems to have existed from the earliest times in every village. I cannot think that it could ever have been intended that the maintenance of that class of officers should fall into disuse, or be considered as merely optional with those who have always contributed to their support. Where lands have been appropriated to their support, they should continue to be so. Where the watchmen have been paid by the contributions from the village community, either in money or grain, such contributions should be considered obligatory. I find that the continuance of the village watchmen is contemplated by the regulations passed at the time of the Permanent Settlement."

16. Convinced by the reasoning of Mr. Peacock, Lord Dalhousie assented to the proposed modification of his Bill, by which the rural police was excluded from its operation. But he suggested that the principle involved in the observation of Mr. Peacock, regarding the reasonable liability of owners and occupiers of land to contribute to the rural police according to established usage, might, if fully worked out, be rendered effectual to the end he had in view, the supplying gradually of the great and crying want of these Lower Provinces, to wit, an effective rural police.* With this view he suggested that a local investigation should be made in every village, throughout every zillah, of the liabilities to which the village is subject in respect of the maintenance of village police, in order to found thereon a legislative measure for the improvement of that institution.

17. That investigation has now been completed.

Administration of Criminal Justice.

18. I am satisfied, however, that it will be vain to improve the agency for the detection and apprehension of criminals, unless we improve also the agency for trying them.

Police reform, in India at least, is a word of large signification, and extends to our criminal judicatories as well as to the magistracy and the constabulary organisation. At present our criminal judicatories stand in need of much amendment, and unfortunately the method of amending them is a question which admits of much diversity of opinion.

19. They certainly do not command the confidence of the people.

20. That this is the case may, I think, be inferred from many parts of Mr. Dampier's elaborate reports. I have myself made much personal inquiry into this matter during my tours, which have carried me over nearly the whole of the Regulation Districts, and have brought me into communication with all sorts and conditions of men, official and non-official. Whether right or wrong, the general native opinion is certainly that the administration of criminal justice is little better than a lottery, in which, however, the best chances are with the criminals; and I think this also is very much the opinion of the European mofussil community.

21. No complaint is more common among magistrates and police officers of every grade than that of the disinclination of the people to assist in the apprehension and conviction of criminals. From one end of Bengal to the other, the earnest desire and aim of those who have suffered from thieves or dacoits, is to keep the matter secret from the police, or, failing that, so to manage as to make the trial a nullity before the courts. Something of this is due perhaps to the natural apathy of the people; though it cannot fail to be observed, on the other hand, that where they have any object to gain, the same people show no apathy or unreadiness, but remarkable energy and perseverance, in civil and criminal prosecutions. More, no doubt, is due to the corruption and extortion of the police, which causes it to be popularly said that dacoity is bad enough, but the subsequent police inquiry very much worse. But after allowing for both these causes,

* Lord Dalhousie's Minute, 14th April 1854.

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causes, no one conversant with the people, can have failed to remark how much of their strong unwillingness to prosecute, is owing to the deep sense which pervades the public mind of the utter uncertainty of the proceedings of our courts, and the exceeding chances of escape which our system allows to criminals; often have I heard natives express, on this point, their inability to understand the principles on which the courts are so constituted, or so conducted, as to make it appear in their eyes as if the object were rather to favour the acquittal, than to ensure the conviction and punishment of offenders; and often have I been assured by them that their anxious desire to avoid appearing as prosecutors arose, in a great measure, from their belief that prosecution was very likely to end in acquittal, even, as they imagined, in the teeth of the best evidence, while the acquittal of a revengeful and unscrupulous ruffian was known, by experience, to have repeatedly ended in the most unhappy consequences to his ill-advised and imprudent prosecutor.

22. That this very general opinion is not ill-founded may, I think, be proved from our own records.

23. Appended to this minute is a note and certain statistical returns, prepared by Mr. Secretary Buckland, from which it may be gathered that for 14 burglaries committed, only one burglar is punished; and that even in thefts, which are matters of easier detection and punishment, the average proportion of convictions is only of three persons to eight offences.

24. These two descriptions of offences are offences punishable by magistrates. In the more heinous cases tried by the sessions judges, it will be seen, from one of the statements annexed to Mr. Buckland's note, that an average of 1,237 persons were annually acquitted to 1,935 convicted, being a ratio of two to three. This is the more remarkable because, in the practice of our courts, every case sent by a magistrate before a sessions judge is as carefully heard by the magistrate, on both sides, as if the magistrate had himself to pass sentence, every magistrate being empowered by law, and almost bound by practice, to send for and examine witnesses to the defence, as well as for the prosecution, and strictly enjoined to send no case to the sessions regarding which he does not see reason to believe that a conviction will follow. And the magistrates are unfailingly censured if they commit on what the sessions judge and the Sudder Court may think insufficient, *i. e.* not perfectly sufficient grounds for committal, *i. e.* for conviction. That under such a system a proportion of two to three committed prisoners should be acquitted at the sessions, nearly every one of whom must have been considered by the magistrate guilty on the evidence, is of itself a very startling fact, and one which cannot but leave a painful impression of the working of our institutions.

25. A sessions judge is obliged to refer for the orders of the Sudder Court the cases of all criminals regarding whose guilt he may differ in opinion with his Mahomedan assessor, or law officer, and also many classes of cases requiring, in his opinion, a higher punishment than imprisonment for seven years. It appears from Mr. Buckland's statements that the average annual result of such references is, that no less than 148 persons are acquitted to 332 convicted; and this, it will be remembered, is in cases in which two judicial officers* must, by the nature of the case, have found the prisoner guilty on the evidence. So that the solemn judicial conclusions of tribunals in various parts of the country, in each of which two minds have deliberately concurred, are found, or supposed to be, absolutely erroneous by the higher court, in the proportion of 148 to 332.

26. From any sentence passed by a magistrate beyond a fine of 50 rupees, or one month's imprisonment, there may be an appeal to the sessions judge, and from every sentence passed by a sessions judge there may be an appeal to the Sudder Court. This license is largely taken advantage of, so that a great number of cases undergo two complete trials. And, indeed, in order to encourage appeal, and give appellants every possible advantage, and no chance of disadvantage, it is provided† that appeal courts may remit or mitigate to any extent,

* *i. e.* The magistrate and the sessions judge, or the magistrate and the Mahomedan law officer.
† Act XXXI. of 1841.

extent, but must on no account enhance punishment. I have not at present any statement of the consequences of this system as regards sentences by magistrates, though I am well aware that it leads to a considerable abatement of the magistrates' convictions. As regards appeals from sessions judges to the Sudder the case is thus stated by Mr. Buckland. From 1843 to 1852 inclusive, the number of petitions of appeal average (annually) 248, the sentences being modified or reversed in 85 cases, and upheld in 152 cases. As the average number of prisoners in each case appears to be about two and a half, the annual average of prisoners convicted at the sessions (amounting to 1,935) suffers a reduction of 200 by the result of the appeal to the Sudder. Of the total 4,000 persons annually committed to the sessions for heinous crimes, it thus appears that the conviction of 1,735 takes place in the sessions effectually, and of 332 in the referred trials to the Sudder; so that of the whole number committed very nearly one-half is eventually acquitted.

27. That a very small proportion of heinous offenders are ever brought to trial, is matter of notoriety. It now appears that half of those brought to trial are sure to be acquitted. Is it to be expected, then, that the people should have confidence in our system, or that they should show any desire to assist the police, knowing as they do from experience, the miserable results to be obtained?

28. I must say that this appears to me the weakest point of our whole system, and that which most loudly calls for an effectual remedy. No doubt the badness of the police and the inefficiency of the tribunals act and re-act on each other, and both are concerned in bringing about the deplorable existing consequences. But until the tribunals are reformed, I can see no use in reforming the police, and I think it will be money thrown away to attempt the latter, unless we are determined vigorously to insist on the former. We have been hitherto debating about both for many years without much practical effect, and in the meantime, to take only one crime, and only the seven districts round about Government House, we have seen dacoities increase from 82 in 1841, to 524 in 1851. It is true that under a special agency, this has since been reduced to 111 in 1855. But the operations of this agency have shown more than anything else the utter inability of our ordinary institutions to cope with the enormous social evil that is ever rising up in defiance before it.

Inexperience of Magistrates.

29. Even if our tribunals were all we could wish, and if our police were fully reformed, what would it avail us so long as our superintending magistracy was for the most part in the hands of inexperienced, and therefore unqualified, young men? Yet this has not only been long the notorious fact, but peculiar and accidental circumstances, partly temporary and partly arising out of the constitution of the civil service, have at this moment made the inexperienced condition of the magistracy more observable than it has ever been before, while it seems certain that the evil during several succeeding years, is likely very seriously to increase. I have appended to this paper a note by Mr. Grey on this very subject, together with a tabular statement, from which it will appear that whereas in 1850 the average standing of magistrates was nine years and eight months, it had sunk in 1854 to eight years and five months, and is now, in 1856, so low as six years and ten months. "In 1850," says Mr. Grey, "there were only two magistrates below the standing of seven years. Now there are 15 such. The youngest officer officiating as a magistrate in 1850 was of five years' standing. The youngest officer now officiating as magistrate is of less than three years' standing." Those who are conversant with the working of our system are aware that this is, under present rules, an evil that cannot be resisted; while it exists, although certain of our young magistrates often display efficiency and ability beyond their years, yet on the whole our magistracy is losing credit and character, and our administration is growing perceptibly weaker, and yet I grieve to be obliged to affirm that the evil will infallibly increase within the next three years, unless an early remedy be applied. Does anybody imagine that, while this lasts, our Bengal police can be reformed?

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Five Measures Proposed.

30. It appears to me then that in order to an effectual improvement of the police in the Lower Provinces, the following principal measures are indispensably necessary :—

(1.) The improvement of the character and position of the village chowkeydars or watchmen.
(2.) Adequate salaries, and, I may add, fair prospects of advancement to the stipendiary police.
(3.) The appointment of more experienced officers as covenanted zillah magistrates.
(4.) A considerable increase in the number of the uncovenanted or deputy magistrates.
(5.) An improvement in our criminal courts of justice.

Improvement of Chowkeydars.

31. Regarding the first of these measures, I have said that the inquiry suggested by Lord Dalhousie into the actual condition of the village police has been completed. By a circular, dated 13th November 1854, the several zillah magistrates were directed to adopt immediate measures for the collection of full and accurate information regarding the position of the village chowkeydars, showing the number that are regularly kept up, by whom they are appointed, by whom paid, and the amount and nature of their receipts. The magistrates were told to call for this information, in the first instance, through the thannah police, and subsequently to test the accuracy of the information furnished to them by making inquiries, in person, in different parts of each district, as well as by one or two trustworthy officers specially deputed for that purpose. The results were to be submitted to Government in a prescribed tabular form, and in the native language as originally prepared.

32. The tabular statement, so supplied, have been translated into English in the secretary's office. They appear for the most part to have been prepared with great care and accuracy, and they furnish an important body of information.

33. The following is an abstract of the results of this inquiry :—

Division.	DISTRICT.	Number of Villages.	Number of Houses.	Number of Chowkeydars.	Number of Houses to each Chowkeydar.	HOW APPOINTED.	HOW PAID.
Patna.	Chumparun -	3,578	1,81,881	3,809	48	By Gomastahs and head villagers -	Annually by grain; some have from 5 cottahs to 20 beegahs of land each.
	Sarun -	4,347	2,10,425	5,926	36	Zemindars - -	Ditto by cash, from 4 annas to 36 rupees, a few having cloths given them; by grain from 2 to 24 maunds; by land from 10 cottahs to 11 beegahs each.
	Patna - -	3,908	1,32,122	4,380	30	Zemindars and villagers, confirmed by magistrate.	Ditto by cash, from 8 annas to 36 rupees each; by grain from 2 to 21 maunds each; by land from 4 cottahs to 12 beegahs.
	Shahabad - -	4,948	2,19,949	6,283	35	Zemindars or head villagers, or both.	Ditto cash, 4 annas to 36; grain 20 seers to 30 maunds; land 10 cottahs to 24 beegahs each.
	Behar - -	4,343	1,42,229	4,582	31	Landholder's omlah and the villagers.	Ditto cash, 12 annas to 36 rupees; grain 2 to 25 maunds; land 1 beegah to 5 beegahs each.
	TOTAL - -	21,124	8,86,606	24,980	—		

Division.	DISTRICT.	Number of Villages.	Number of Houses.	Number of Chowkeydars.	Number of Houses to each Chowkeydar.	HOW APPOINTED.	HOW PAID.
Bhaugulpore.	Tirhoot - -	5,473	3,33,485	7,895	42	Zemindars and some by villagers.	Annually by cash, 1 rupee 4 annas to 45 rupees, or land 1 cottah to 2 beegahs each, and a few receive a little grain.
	Purneah - -	5,267	2,45,181	7,841	31	Landholders or villagers.	Ditto cash, 12 annas to 36 rupees each; some receive a little grain.
	Monghyr - -	2,642	1,32,514	3,086	43	Zemindars - -	Ditto cash, 1 rupee 2 annas to 36 rupees; land 8 cottahs to 15 beegahs each.
	Bhaugulpore -	3,740	1,71,482	3,687	47	Ditto - - -	Ditto cash, from 8 annas to 57 rupees; land from 1 beegah to 20 beegahs each.
	Total - -	17,122	8,82,662	22,509	—		
Rajshahye.	Maldah - -	1,950	91,817	1,568	58	By the head villagers	Annually cash, 1 to 48 rupees each, some have grain.
	Dinapore - -	8,517	2,05,051	5,592	37	Zemindars or head villagers.	Ditto cash, from 4 annas to 42 rupees each.
	Rungpore -	3,383	2,17,471	5,077	43	Some by headmen, generally by zemindar's omlah, confirmed by the magistrate.	Ditto cash, from 2 to 36 rupees each; in one thannah a little paddy is added.
	Bograh - -	4,964	1,23,982	3,100	40	Head villagers, a few by the zemindars.	Ditto cash, from 1 to 36 rupees each.
	Pubnah - -	3,526	1,81,811	3,611	50	Headmen - -	Ditto ditto, 3 to 52 rupees each; a little grain given to some.
	Rajshahye -	3,416	1,41,913	3,839	37	Ditto - - - -	Ditto ditto, 6 to 48 rupees each; one man has 15 beegahs of Chakeran.
	Total - -	25,756	9,62,045	22,787	—		
Dacca.	Mymensing -	13,162	3,06,133	4,080	75	Head villagers or police.	Annually cash, from 3 to 54 rupees each.
	Sylhet - -	6,937	2,24,386	3,259	69	Landholders and villagers	Ditto ditto, 1 to 30 rupees.
	Dacca - -	3,163	2,32,023	4,026	58	Head villagers -	Ditto ditto, 6 to 36 rupees each, and a few are said to be paid monthly from 1 to 3 rupees each.
	Backergunge -	2,357	1,78,104	3,051	58	Landholders - -	Ditto cash, from 7 to 42 rupees each.
	Furreedpore -	1,987	1,27,972	1,773	72	Headmen - -	Ditto, 1 to 52 rupees each; some have grain.
	Total - -	27,606	10,68,618	16,189	—		
Chittagong.	Tipperah - -	5,884	2,37,733	2,768	86	Headmen - -	Annually cash, from 2 rupees 8 annas 9 pie to 57 rupees 8 annas each.
	Noacolly - -	977	90,833	1,867	49	Ditto and police -	Cash, each Chowkeydar receives 12 annas per house monthly.
	Chittagong -	944	1,79,763	2,431	74	Head villagers -	Annually cash, from 6 to 30 rupees, some get grain too; and a few monthly at 2 rupees 8 annas each.
	Total - -	7,805	5,08,329	7,066	—		
Cuttack.	Pooree - -	4,584	1,10,814	2,822	39	By Gomastahs and headmen.	Annually, by cash from 1 to 43 rupees; land 1 beegah to 65 beegahs each.
	Cuttack - -	6,630	2,13,207	5,072	42	Zemindars, confirmed by the magistrate.	Ditto cash, 1 to 55 rupees; land from 1 beegah to 40 beegahs each.
	Balasore - -	4,317	96,457	1,978	49	Zemindars - -	Ditto cash, 4 annas to 25 rupees; land 1 beegah to 25 beegahs each.
	Total - -	15,531	4,20,478	9,872	—		

(*continued*)

Division.	DISTRICT.	Number of Villages.	Number of Houses.	Number of Chowkeydars.	Number of Houses to each Chowkeydar.	HOW APPOINTED.	HOW PAID.
Burdwan.	Midnapore -	11,198	2,95,145	9,123	32	Headmen or the magistrate.	Annually cash, 2 to 61 rupees; land from 4 beegahs to 143 beegahs each.
	Howrah - -	1,412	98,756	1,465	67	Zemindars - -	Ditto cash, from 19 rupees 4 annas to 39 rupees 12 annas, with some grain each.
	Hooghly - -	3,168	2,80,493	5,194	54	Zemindar and magistrate.	Ditto cash, 3 to 60 rupees; land 1 beegah to 36 beegahs.
	Burdwan - -	2,873	2,13,036	8,848	24	Ditto - - -	Ditto cash, from 12 annas to 72 rupees, some have some land.
	Beerbhoom -	6,928	1,88,182	10,850	17	Ditto, and some by Sirdar Ghâtwâls -	Ditto cash, from 12 annas to 136 rupees each; or land from 3 cottahs to 228 beegahs each; or land and grain, producing an estimated income from 25 to 42 rupees each.
		The Chowkeydars and the Ghâtwâls (who in Beerbhoom hold of the zemindar, but in Bancoorah of the Government) should have been distinguished.					
	Bancoorah — Villages -	2,879	1,25,618	Chowdars. 3,934	32	Zemindars or villagers, confirmed by the magistrate.	Ditto, from 8 annas to 71 rupees, and also in kind.
	Bancoorah — Ghats - -	1,127	28,389	Ghâtwâls. 4,325	7	By the magistrate -	By land held of Government under engagements with the old Rajah of Bishenpore, at from 2¼ beegahs to 4,152 beegahs per man.
	Total - -	29,585	12,29,619	43,739	—		
Nuddea.	24-Pergunnahs	2,605	1,53,905	2,788	55	Headmen - -	Annually cash, from 3 to 220 rupees 11 annas, also in kind.
	Nuddea - -	3,054	2,13,576	4,134	52	Ditto - - -	Ditto cash, from 1 rupee 8 annas to 60 rupees; grain added in some parts.
	Jessore - -	4,126	2,16,256	4,189	52	Ditto - - -	Ditto cash, 1 rupee 8 annas to 48 rupees, and ditto ditto.
	Moorshedabad -	3,014	1,89,871	4,467	43	Zemindars or villagers, or both.	Ditto cash, from 1 to 48 rupees each, and must have some land or grain added.
	Baraset - -	1,981	96,901	2,157	45	Headmen - -	Ditto cash, from 11 rupees to 60 rupees each.
	Total - -	14,780	8,70,509	17,735	—		
	Grand Total -	1,59,309	68,28,866	1,64,877	—		

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34. It may be observed, as a general result of the inquiry, that, with few exceptions, the zemindar, or zemindar's agents, are found to nominate the chowkeydars, and this most commonly in the Bengal zillahs. In these latter zillahs, though the zemindars who nominate the chowkeydars seem to be primarily answerable for the payment of their wages, yet the ultimate payment falls upon the village ryots. In the Behar zillahs this seems to be not so generally the case, the "malik" or zemindar more usually in those zillahs having to incur the expense of paying the chowkeydars, who, however, in Behar, as elsewhere, often receive a part of their income in the shape of presents from the villagers in kind. I am aware also that, in some instances, in the Behar zillahs the liability to pay the chowkeydar's wages is disputed between the zemindars and the ryots. Where these disputes have been carried before the magistrate, I have found the liability of the zemindar usually enforced, though, as I have thought, with doubtful justice.

35. The

35. The number of houses to each chowkeydar's beat is seen to vary considerably—from eighty-six, the largest number, which occurs in Tipperah, to twenty-four in Burdwan.*

36. The general average for the whole of the Regulation Districts of the Lower Provinces is shown to be one chowkeydar to forty-one houses. This average is, however, affected by the introduction of ghâtwâls into the lists. The traditionally proper proportion is believed to be one chowkeydar to fifty houses.

37. The total number of villages by this return is 1,59,306, and of chowkeydars 1,64,877, being 1,034 chowkeydars to each village.

38. The average receipts of each chowkeydar, in land and wages, will be probably under-stated at two rupees a month. Assuming, however, two rupees a month as wages, whether in money, land, or kind, and one rupee a month as customary presents—a very high estimate—we have a total for the annual receipts of 59,35,572 rupees; and calculating at five for each house in these returns, the population would be 3,41,44,330, † upon whom the above amount of taxation would fall at the rate of 2½ pie per head per annum, which is certainly a very light taxation, even at the high rate of receipts above assumed.

A Law Suggested.

39. What is, however, necessary to secure the old institution of a village watch from falling into utter desuetude, and for keeping it in a state of vigour sufficient for our present purposes, but doubtless to be further improved and reformed hereafter, is a law which shall enable a magistrate, on finding a village without a chowkeydar, or a chowkeydar without wages, to make a summary inquiry, and, according to the nature of the case, either to cause the nomination of a fit chowkeydar by the person or persons to whom the nomination may be proved by custom and usage to belong, or to cause payment of his wages at the rate found customary by the person or persons on whom the customary liability to pay such wages may be found to fall. Any very precise provisions would, I humbly think, be out of place at present. The people will not, I venture to say, feel it as any hardship that the magistrate should be empowered to make such inquiries, and to exercise such powers as I propose; on the contrary, they will assent to them, as in accordance with old customs, and as enforcing an acknowledged obligation; for the inquisition and the powers are such as were formerly very generally in use, and are even now employed by zealous magistrates in districts where the people are not yet fully aware of the actual law on the subject. It will only be if any minute system of tax-gathering on account of the village watch should be attempted that the law will be found to create any disaffection or dissatisfaction. At all events, I would desire to try the effect of the simpler method before resorting to any more complicated process. It may be safely, I think, reckoned upon, that, as soon as the law shall declare that the magistrate has the power which in former years he always used, and which has only lately been brought into question, the necessity for putting the law into force will very rarely arise.

40. It has been objected by some very competent advisers on such subjects, that even when all this shall have been done, we shall be as far as ever from our object; that the village chowkeydars, at the best, are an untrustworthy, unorganised rabble, and that no real improvement will be effected unless we get rid of them altogether, and organise a rural police according to the newest forms of occidental civilisation. And it is common with those who advocate this method of reform, to point to the 34,000,000 or 36,000,000 of the population, and to urge how easily a sum might be raised from them, not greater than they now pay for their imperfect village watchmen, which, in the hands of a skilful organiser, might be made to provide for the establishment in each zillah of a well-paid, dressed, and disciplined force, inferior in numbers to the present rural police, but far superior in trustworthiness and efficiency. To some such plan as this

* There are lower numbers in Beerbhoom and Bancoorah. But this arises from the Ghâtwâls having been admitted into the lists, who are not village chowkeydars, but guards of jungle-passes.

† The usual loose estimate of the population of the Regulation Districts, subject to the Government of Bengal, has been thirty-six millions.

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this I have myself leaned in earlier days; nor do I doubt either that, if it were practicable, it would provide a vastly improved rural police, or that we may fairly look forwards to such an improvement hereafter, though as yet at a great distance. I am satisfied, however, that to press for such a measure now would be impolitic and unwise, and that we might lose all in our anxiety to attain a desirable end sooner than can be reasonably expected. We must do our utmost to carry the people with us in our police reforms; at present they will readily admit old-established obligations to maintain village watchmen in a certain customary proportion to the size of each village, and to pay them after a certain usage, which differs somewhat in different villages, but has long been accommodated to old habits and customs in all. They will not, however, regard with favour a distinct and precise taxation for a new police, the application of which they will doubt, and the object of which they will be very likely to misunderstand: and, unfortunately, our knowledge of the people and our intercourse with them, through distantly-placed, often inexperienced, and but too frequently changed mofussil magistrates, is not sufficiently intimate and cordial to allow as yet of our acquiring their confidence, and thereby their co-operation, in plans for the improvement of their old institution. Hereafter, when we shall have placed trustworthy magistrates in adequate numbers, and in the centre of manageable jurisdictions, I do not doubt that we shall be able gradually to influence the people more effectually than we can now pretend to do, and so to carry them with us as to obtain their intelligent assent, and with it their hearty assistance, to all our measures. We must, in short, obtain their confidence in our magistracy and police system before we can hope for their co-operation, and this cannot be expected under our present imperfect organisation.

Better-paid Police.

41. With regard to the second of the measures above enumerated, viz., the adequate payment of the stipendiary police, I have already submitted a proposition to the Government of India, by which, at an expense of 3,38,609 rupees, a reasonable increase may be made to the salaries and expectations of the mohurirs, jemadars, and burkundauzes, so as to render their situations more valuable than at present, and leave them, at all events, without the plausible excuse for corruption which they may now plead.* In order, however, to complete this part of the subject, I would very strongly recommend that a few considerable prizes be held out to darogahs, in the shape of increased salaries for particularly distinguished service. It is not always, and not, in fact, often the case, that a good police darogah is fitted to make a good deputy magistrate. Occasionally this method of rewarding distinguished service by a police darogah may be resorted to with success. But I have seen several very remarkable instances of failure, and, on the whole, I am much disposed to think that this method of promotion cannot be relied upon as generally practicable. It will be better, therefore, to grant a few enhanced salaries of 150 and 200 rupees to meritorious darogahs; and this may be done without any great increase of expense. There are now 50 darogahs on 100 rupees per mensem, 100 on 75 rupees, the remainder on 50 rupees. I would propose that, for special services rendered, it should be competent to the Government to reward as many as 15 or 20 distinguished darogahs by promotion to salaries of 150 rupees each, and 10 more for a like cause to 200 rupees each per mensem. These special promotions might be accompanied by other marks of distinction, so as to render the example in each case more striking and effective. The additional cost of this would not be more than 42,000 rupees per annum.

42. I may mention, while on this part of the subject, that I have found in some parts of the country some of the thannah jurisdictions of a very disproportionate size. This I believe to be more particularly the case in some of the Behar zillahs. It will be necessary in such cases to make an increase in the number of thannahs. But this, I think, will involve no expense worth mentioning, in discussing a matter of this magnitude.

* It has been my object in all my propositions to study a fair economy. I am sensible that the amount of increase I have proposed for the burkundauzes may, by some, be thought below the mark, and that a larger amount might have been suggested. I think, that what I have proposed will be a great improvement; and I should wish it tried before the amount is increased.

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More experienced Magistrates.

43. The third measure on my list relates to the youth and inexperience of the covenanted magistrates. This is a very serious evil; and it is absolutely necessary to remedy it. It arises out of the numerical inadequacy of the covenanted service to supply the number of officers required by the existing system. It has been a matter of reproach to the service for many years; but it has very much increased of late, owing to the growing disproportion of men to offices. It has, in a manner painfully perceptible to me in my visits to the different districts, impaired the force, dignity, and efficiency of our administration in the interior; and in all cases in which the youth and inexperience of the officer is not, as it sometimes is, counterbalanced by unusual ability and force of character, it has brought the all-important authority of the zillah magistracy into marked slight and disregard, and sometimes into actual contempt. It is certain still more to increase under the present system; and no addition to the number of the service can remedy it for many years to come. The method in which each zillah was manned from 1793 down to 1830 was thus:—there was in each an officer styled judge and magistrate, who was zillah judge in civil causes, and also magistrate of police. He was usually an officer of upwards of 12 years' standing. There was a collector who, under the old system, had very little to do, and was usually upwards of 10 years' standing. There was a register, who had generally arrived at from two or three to five or six years' standing, and there might be an assistant of any standing below that of the register. Under this system the magistrate was the officer most experienced, and highest in rank in the district; and he was, therefore, looked up to with a degree of respect, the recollection of which to those who, like myself, have known "the mofussil" in those old days, suggests a painful contrast with the uninfluential and comparatively insignificant and unregarded position of the juvenile functionaries, many of whom I have found ineffectually presiding over the zillah magistracies in my recent tours. But the magistrate of those days was encumbered by the weight of duty imposed upon him as the (to use the native phrase) "incarnation of justice," civil and criminal, over an unmanageable extent of country; and, partly with a view to remedy this, Lord William Bentinck's Government took the office of zillah magistrate from the judge, and gave it to the collector, turning the register, who had been a subordinate to the civil judge, into a subordinate to the collector-magistrate. Thus the zillah magistrate, though no longer the officer of highest standing in the zillah, was yet of sufficient standing, position, and experience to command respect, especially as at the same time the Government began to exercise a much greater degree of care than formerly in the selection of officers for collectorships. It happened, however, that about the same period an extraordinary activity was infused into the revenue administration in the Lower Provinces, which had been previously much neglected; and for some years after the offices of collector and magistrate had been united, the chief attention of the Government was given to remedying the grave neglects and deficiencies which had pervaded the revenue management of former times; so that the business of a collector became for a considerable time very engrossing and onerous, and the duties of the magistracy were comparatively disregarded. This, which experience has since shown to have been merely a temporary difficulty, was treated subsequently to 1838, and, in consequence of the report of the police committee of that year, as if it had been permanent; and the offices of collector and magistrate were separated, and put into different hands. But the number of the civil service employed in the Lower Provinces not being increased, but rather, I think, diminished, the inevitable consequence was, that the lower paid of these two offices, that of the magistrate, fell into the hands of functionaries who had previously been the subordinates of the collector-magistrate; and young officers became thenceforth magistrates at about the same standing at which they had formerly become registers, or (subsequently) deputy collectors and joint magistrates. At present the reasons which caused this change no longer exist. The nature of the duties and responsibilities of collectors' offices requires that they should be held by officers of a certain standing and experience; but the actual work of those offices has become, with a few exceptions, so notoriously light, that full leisure is left for the efficient performance of a magistrate's business; and there is undoubtedly nothing in the nature of the two duties in these provinces, where the collection of the Government revenue is almost mechanical, and the

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interference of the collector in the realisation of the zemindar's rent from his tenants is purely judicial, to make them in the smallest degree incompatible. To reunite them, therefore, is now the mere dictate of prudence. It will at once place the superintending magistracy of each district in experienced hands, will economise labour, will remove a standing reproach against the Government, and will restore to the mofussil administration that strength and weight which the present youth and inexperience of our "boy-magistrates" have very sensibly and seriously impaired. This measure was proposed by Lord Dalhousie in 1854; and the reasons in its favour which then existed have been greatly enhanced by the occurrences of the past two years. I earnestly trust that the advantages which it offers, and which are enjoyed by all other parts of India, including all our recent acquisitions, will no longer be denied to Bengal, where, in fact, they are most urgently needed, and where the theoretical objections to the system, weak as I believe them to be everywhere else, have literally no kind of practical application.

By those who object to this, in my judgment, most useful and necessary measure, two methods have been proposed of remedying the great present evil, which nobody denies, of the youth and inexperience of the magistrates. One is to make the magistrates and collectors, as it were, change places; to let the young and inexperienced officers become, after their present brief training, collectors, on the present salaries of magistrates, and to let them thence rise to the office of magistrate, receiving in that office the salary now given to collectors.

This would merely transfer a disease from one part of the administration to another part, and cure the defect in the magistracy at the expense of the efficiency of the revenue department. The revenue department, not less than the magistracy, requires maturity of standing and experience; and the Government as well as the people would suffer if the office of collector were placed generally in young, inexpert, and unpractised hands.

44. Another plan is to keep the two offices separate, and to divide the aggregate salary of a magistrate and a collector equally between each office, so as to make the standing of a magistrate equal to that of a collector; bearing in mind that this is to be done with a limited service which, for many years to come, cannot possibly receive an increase of experienced officers, it will be obvious that this would not prevent as large a proportion as at present of officers in independent charge (whether magistrates or collectors) from being too young for the duties of their position. At present a young assistant becomes first a dependent and subordinate "joint magistrate and deputy collector," and next a magistrate of a zillah. And if there are a certain number of magistracies vacant, the junior officers must be taken to fill them whether they be experienced or inexperienced, two years out of college, or five or ten. This evil will not be cured by taking from the salary of a collector and adding to the salary of a magistrate; on the contrary, it will be in some degree increased. What is required is, that the office of magistrate shall be moved up higher in the scale, so as to be, as it were, out of the reach of the inexperienced junior until he shall have passed through further stages of probation. And this can only be done (the numbers of the service being inadequate as well as limited), by joining the magistracy to some existing higher office, such as the collectorship, and letting the young officer continue in the subordinate, though gradually improved and improving position, until time and experience shall have fitted him for an independent charge. Nor can it ever be too strongly insisted upon, that the nature of a collector's duties in this part of India is such as to offer no reasonable objection to the junction, but rather in many important respects to render it politic and advantageous.

45. If this were done, the step to which the junior now rises from his first and insufficient training, instead of being, as now, that of a magistrate in full charge of a district as large as three counties, would be, with perhaps the same or nearly the same pecuniary advantages, the more suitable position of a deputy or subordinate to the experienced collector-magistrate, and the zillah magistracies, instead of being in the hands of youngsters of three, and perhaps even less than three years' standing, would not be attained to under a standing of at least ten years, and probably much more.*

* Our present junior collector is of eleven years' standing, and this is at a time of unusually rapid promotion.

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Increase of Deputy Magistrates.

46. The next necessary measure is an increase to the magistracy, and this can only be by an increase to the number of uncovenanted deputy magistrates.

47. It is vain to talk of police reform so long as the police are under no closer superintendence than that of a magistrate from 30 to 60 miles off (or even more), in a country where, owing to the nature of the climate and the want of means of communication, a distance of 10 miles is often more than equivalent to 50 miles in England. I will not here parade any statistical facts. Every one acquainted with the country knows how few and far between are our magistrates in the interior as compared with even the worst-organised country in Europe, and every one admits that one of the first steps towards improvement must be to have magistrates at such tolerably convenient distances that each functionary shall not be, at all events, more than a few hours' journey from the most distant village in his jurisdiction. I think that the proper size of a deputy magistrate's jurisdiction was not unreasonably stated by an intelligent and experienced native friend, whom I consulted on the subject, as "so much as the magistrate could go to one end of in his morning ride, and the other end in his evening ride." This would probably comprise two, or at most, three thannahs. The total number of thannahs is 484. But of these some belong to the Sonthal Pergunnahs, and a good many are city thannahs, such as the 15 thannahs of the city of Moorshedabad. These may be for our present purpose deducted, as well as the sudder or station thannah of each district, which should be under the immediate direction of the zillah or district magistrate. After these deductions, there will be left about 400 thannahs. If a deputy magistrate were appointed to every three of these thannahs, we should require 133 deputy or assistant magistrates. But we have already, between covenanted assistants and uncovenanted deputy magistrates, 33 out-stations or subdivisions established, so that the new appointments actually required would be 100, a number which would hereafter be liable to some diminution, as the lower ranks of the covenanted service were increased. Taking the number at 100, and placing this number on salaries of from 200 to 700 rupees, in the proportion now assigned to the uncovenanted executive service, the expense of this additional establishment would be 4,21,200 rupees in salaries. For a reason, however, to be hereafter stated, I am clearly of opinion that the maximum at present assigned to the uncovenanted executive service is too low. Instead of the highest class embracing only one officer on 700 rupees, the highest class should embrace two officers on 1,000 rupees each; below that should be a class of four on 800 rupees each, and then (omitting the present class of 700 rupees) the classes should proceed downwards in the same proportions as at present. This would raise the additional charge above quoted to 4,60,80 rupees. The additional establishments, allowing for some reduction in the present zillah magistrates' establishment, would certainly bring the expense up to five lacs and a half per annum, or say, with some additional thannahs, six lacs. For this amount, however, I think this very desirable, not to say necessary, reform might be made. And even then, and after adding the amount of 3,38,609 rupees required to render adequate the pay of mohurirs, jemadars, and burkundauzes,* which would raise the total additional annual expense to 8,88,609 rupees, or say, after allowing for all defects of the estimate, ten lacs of rupees, the police charges of Bengal would still be only a little more than the police charges of the North-western Provinces.† And it must be by no means left out of sight, that the diminution of expenditure at present, in consequence of the diminished number of junior civil servants, as compared with the year 1850, is more than a lac and a half of rupees;‡ and as it is in a great measure owing to this diminution that an addition is required to the uncovenanted magistrates, it is reasonable to set off a large part of this lac and a half, say at least a lac, against the additional charge now asked for, thus reducing the total to a maximum of nine lacs per annum.

48. My

* *See* para. 4 of this Minute.

† Provincial Police charges, 1851–52 :—

Bengal	10,31,386.
N. W. P.	16,97,607.

‡ *See* para. 15 of Mr. Secretary Grey's letter to the Government of India, No. 2137, of 30th September 1855. The actual difference is 1,54,440 rupees.

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48. My reason for thinking it necessary to have a class on 800 rupees, and a class on 1,000 rupees per mensem, is that, although I should contemplate filling the new offices chiefly with natives, it would be indispensably necessary to have a certain number of well-educated and respectable Englishmen among them; and experience as well as theory has shown that these cannot be had for the same pecuniary inducements as natives of the country, but must be in general paid more highly. In districts where there are many indigo planters, it is absolutely indispensable to have English magistrates; and to attempt to administer the magistracy with natives in such districts will always be productive of dissatisfaction and disappointment.

Junction of Judicial and Executive Powers.

49. There is, however, an opinion which has found favour with some persons of just weight and authority in matters of this kind, and which has indeed a certain plausibility which tends to recommend it to many, and especially to those whose experience or whose mode of thinking has been derived from European rather than from Oriental habits, against which I am especially desirous of raising my testimony in this place, the rather, perhaps, that, in the days of my smaller experience, I myself have held and advocated the opinion, which I now very heartily condemn. The opinion to which I allude is this,—that magistrates of every degree should be debarred from all judicial powers, and should have nothing but the executive duty of preventing and detecting offences, and that separate judicial functionaries should always receive and try cases of every kind committed to them by the magistrates of various degrees. Thus it is, I believe, contemplated by some advocates of this system, that, at or near every place at which a deputy magistrate is stationed, there should be a moonsiff, or a Sudder ameen, or a judicial officer of some corresponding class, to try all cases sent to him by the deputy magistrate; and that, in the same way, all cases coming before the zillah magistrate, whatever their nature and importance, should be sent for trial to a judicial officer at the zillah station, native or European.

50. It is one very serious objection to this scheme that it will be very expensive, not unlikely, as I believe, to double the proposed additional charge. But I think this the smallest objection to which it is liable. It is a scheme foreign and unintelligible to Asiatic notions, and altogether founded on European ideas and habits, going, indeed, in its excessive provisions to a degree even beyond any general European practice.

51. I am very sure that our mofussil administration will, *cæteris paribus*, be generally efficient, while it is certain to be also acceptable to the people according to the degree in which it conforms to the simple or Oriental, in preference to the complex or European model. The European idea of provincial government is by a minute division of functions and offices, and this is the system which we have introduced into our older territories. The Oriental idea is to unite all powers into one centre. The European may be able to comprehend and appreciate how and why he should go to one functionary for justice of one kind and to another for justice of another kind. The Asiatic is confused and aggrieved by hearing that this tribunal can only redress a particular sort of injury, but that, if his complaint be of another nature, he must go to another authority, and to a third or a fourth kind of judicature, if his case be, in a manner incomprehensible to himself, distinguishable into some other kinds of wrong or injury. He is unable to understand why there should be more than one hakim, and why the hakim to whom he goes, according to his own expression, as to a father for justice, should be incapable of rendering him justice, whatever be the nature of his grievance, or whatever be the position of his adversary.

52. Accordingly, not only in all our recent acquisitions, such as Scinde, the Punjaub, Burmah, Nagpore, Oude, but in most of those which date thirty and forty years further back, such as the Nerbuddah territories, Assam, or Arracan, we have carefully framed our administration upon the Oriental plan, modifying it only where absolutely necessary to insure real benefit to the people. And while the Europeanised methods of our oldest territories have been notoriously unsuccessful, the result has, on the whole, been so decidedly favourable in the newer districts, that no sound Indian statesman would now dream of proposing for any new acquisition any other plan of administration. Now nothing can be more

more opposed to the Oriental plan of administration than the entire separation of judicial from executive duties, which is advocated by the over-much Occidentalists to whom I have alluded, at the same time that it is going backwards from the course which experience has been gradually forcing upon our older territories ever since 1793. In that year the "regulation system" began by denuding zillah magistrates of almost all judicial powers. But this was soon found to be practically intolerable, and first in 1807, and afterwards at different intervals, the judicial powers of zillah magistrates were increased from the infliction of one month's imprisonment to that of six months, one year, two years, and ultimately three years, which is the limit of judicial power now exercised by zillah magistrates. I know that the general opinion of the most trustworthy officers is, that if the magistrates were not so young, that is, if by union of the office with that of the collector, or in any other way, the age and experience of the magistrates were raised to its former standard, it would be wise to increase (instead of diminishing) their judicial powers, and to give them, as is given to magistrates in several of the "Non-regulation" Provinces, a power of sentencing to imprisonment for as many as seven years, subject only to the revision of a higher authority. This was recommended by Mr. Dampier, in his Police Report for 1848, for all cases of simple dacoity.

53. Before 1830, the trial of heinous cases in each zillah was by a circuit judge, who came at stated intervals, tried such cases as he found ready, and departed, to be succeeded on the next circuit by a different, and again, at another interval, by a third, and sometimes even a fourth, circuit judge. Among some evils peculiar to the system as it then existed, there was undoubtedly much that operated with advantage in these successive circuits by successive judges. That system has been succeeded by one in which each zillah station has its permanent sessions judge. And though this change effected an undoubted remedy for some of the more obvious evils of the previous system, it has been found in practice to be open to certain special objections, such as have been thought by many almost to counterbalance its admitted benefits; for, instead of the little known, and therefore the more honoured, circuit judge, we have now a judge who, in a small station and a confined society, must of necessity be in such a degree of close and incessant intercourse with the magistrate as usually breeds the familiarity which is proverbially destructive of respect. Small societies, too, are liable to jealousies, scandals, quarrels, over-friendships, over-enmities; and in all these, to the detriment of his official usefulness and his judicial dignity, the judge is not seldom found to bear a part. Sometimes the judge and the magistrate are in open enmity; and then every counter-decision is apt to be attributed, by their keen-sighted native observers, to the existence of ill-feeling between the two functionaries. As often, perhaps, the judge and the magistrate are in close intimacy;—they dine together, they ride together, they shoot or hunt together, their tastes and feelings are obviously in unison; and then every judicial affirmation of commitments and appeals is liable, by narrow-minded and interested by-standers, to be put to the account of friendship and influence. In one zillah the judge perhaps is weak, and exercises feebly and ineffectually the control over the magistrate which the system expects of him. In another zillah the judge may be vigorous, encroaching, overbearing, and then the magistrate is made a cypher, and his power, without his responsibility, passes into hands for which it was never intended. No one who is familiar with the state of the interior will deny that, amidst much that is good, our present system is often marred by one or other or all of the evils I have above depicted; and these evils, wherever they occur, arise undoubtedly from the antagonism of a locally-opposed judicial and executive authority. But conceive this local antagonism not merely at each zillah station, but all over every district, and the antagonism in each case, not of two liberally-educated Englishmen, but of two half-educated and Orientally-civilised natives, and let those who know the country and people declare what would be the practical result. Conceive every darogah opposed perhaps to an antagonist local moonsiff, and every native deputy magistrate to a native Sudder ameen at an out-station; imagine the bickerings, the criminations and recriminations that would ensue. For, though under the greatest provocation, corruption is the last thing which a native ever imputes to an English judge or magistrate, it is the first imputation which a native casts on a native, on great provocation, slight provocation, or no provocation at all. Thus, in but too many instances, would executive

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officers account for every failure by insinuations against the judicial department, and thus as often would the judicial functionaries retort by insinuations against the purity of the executive. At the best, all the difficulties and embarrassments which even now not unfrequently impede the administration, owing to divided authority at the chief zillah stations, would be multiplied a hundredfold. If it were asked why crime had increased in a given district, the executive officers would reply, "Because of the pertinaciously unreasonable acquittal of all our criminals by the judicial functionaries." If the judicial functionaries were in any way questioned for this result, they would answer, "It is because of the negligence and inefficiency of the executive." Nobody would be responsible. Power would be everywhere divided, and everywhere contending against power. The administration of the interior would be torn in sunder, and the result would be good made bad, bad made worse, and confusion everywhere worse confounded. No one, who has the personal acquaintance with the interior which my present position no less than my past experience has given me, can say that this anticipation is exaggerated. All must agree that the mischiefs I have anticipated would, under such a system, be very likely to break out.

54. I believe, too, that to deprive our magistrates of judicial power, while it would degrade them in the eyes of the native community, who can never understand why, when the hakim has caught a thief, he should not forthwith try and punish him, would take away a great cause of self-respect from the executive functionary and a great means of self-improvement. I have no doubt that the sense of judicial responsibility has a very large and important effect in raising the character and improving the conscientiousness of our executive magistrates, while it certainly adds greatly to their useful influence among the people; and I am satisfied that justice is not likely to be less truly or satisfactorily administered under the present system, which entrusts large judicial powers to magistrates and deputy magistrates, than under a system which, taking away from them all judicial power, should make them in their own view, and in the apprehension of the people among whom they act, nothing but a higher kind of police darogahs.

55. In recommending, therefore, a considerable addition to the number of deputy magistrates, I would be understood to advocate very strongly that they should, as at present, be permitted to exercise judicial powers varying with their known qualifications and experience, and subject to revision by a higher authority. This is in perfect accordance with recommendations of the recent Report of the Law Commissioners.*

Improved Administration of Justice.

56. The fifth and last general measure which I have enumerated is an improvement in our criminal courts of justice.

57. This part of the subject has repeatedly been brought to notice in Mr. Dampier's annual reports, and there is undoubtedly a general consent of opinion as to the urgent necessity for an improvement.

58. But, as might be expected on a subject so difficult, there is much variety of opinion as to the manner in which improvement can best be effected.

59. On the whole, and after much careful consideration, I give in my entire adhesion to the recommendations of the London Law Commissioners, as stated in their recent Report, but with certain modifications, the most material of which I shall now proceed to describe.

Jury Trial.

60. The plan of the London Law Commissioners provides† for trial of heinous cases by the sessions judge in each zillah, assisted by a jury in cases where certain privileged persons are defendants, or among the defendants.

61. The privileged persons are thus stated in the Report:—"A British subject,

* See pp. 98 and 99 of the Report.

† Chap. xix., p. 149.

subject, or an European, or an American, or an East Indian, or an Armenian, or a person of any other class to which the Governor-General in Council may see fit to extend this rule, registered according to such rules as the Governor-General in Council shall prescribe." Unanimity, or a majority of not less than two-thirds, with the concurrence of the judge, being necessary for a verdict of guilty. Of all other defendants the trial is to be before the sessions judge and two or more assessors; the decision being vested exclusively in the judge. I will enter in this place into no argument, but simply state that I disapprove of these provisions; and, instead of confining trial by jury to certain privileged classes, I would have all trials of heinous cases in the Mofussil before the sessions judge and a jury.

System of Appeal to High Court.

62. The plan of the London Law Commissioners leaves the system of appeal very much as it is now, encouraging appeal by ensuring every appellant against any disadvantage, and giving him every possible chance of advantage by appeal.* But in cases of trial by jury, the High Court is not permitted to reverse a verdict as to facts; though it may try any point of law in appeal from such trials, and alter, in the way of mitigation, but not in the way of enhancement, any sentence passed by a Sessions Court in such trials.

63. If then jury trial were made the rule instead of the exception, there would be, even according to the scheme of the Law Commissioners, no appeal whatever from the Sessions Court on the facts, but only on the law. To this I have no objection. There would remain an appeal in mitigation of sentence, and this I should not object to leave, not however binding the High Court to take up any such appeal unless on strong *primâ facie* ground, shown to their satisfaction, for questioning the justice of the sentence appealed against. But I would restore the wholesome power of enhancing within certain limits, as well as reducing sentences, which was formerly exercised by the Sudder Court. I can see no reason for withholding it, and a great many for giving it. Our zillah judges err at least as often by over-leniency as over-severity; and over-severity has never been imputed to the Sudder Court, but on the contrary.

Powers of Sessions Judges.

64. The plan of the Law Commissioners gives to the Sessions Courts the power of sentencing to any legal punishment short of death. Capital cases are to be referred to the High Courts.†

65. This entirely accords with my view of what is required. But the large powers of revision given to the High Court by Chapter xxv. are, in my judgment, for the most part unnecessary, and I would either abrogate or greatly reduce them. In this country it is quite sufficient to give a power of revision on appeal, without encouraging the High Court to take up cases regarding which no one has appealed or complained. This is one of those excesses of cautious investigation which so frequently disfigure our system, and by occupying time which might be better employed, as well as by adding to the uncertainty of sentences, do in the long run a great deal more harm than good.

Moonsiff Magistrates.

66. The plan of the Law Commissioners gives to subordinate magistrates much the same powers as at present, but it makes every moonsiff a subordinate magistrate. The present system leaves the Government the option of making a moonsiff a subordinate magistrate or not; and I think the present system in this respect very much the most prudent and proper.

Appeal to Sessions Judges.

67. The plan of the Law Commissioners gives an appeal of right against every sentence

* Chap. xxvi., p. 163.
† Page 96, and see note at p. 98; also Chap. xxii., Rule 304, p. 157.

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sentence or order, light or heavy, of every magistrate and subordinate magistrate, high or low, to the sessions judge. This is simply impossible, if the subordinate magistrates are increased as I propose to increase them. Even now, the appeals from magistrates and subordinates with the higher powers, go far to swamp the sessions (who are also civil) judges. And if, as I propose, the magistrates are doubled, it is vain to think that the present number of sessions judges can hear their appeals. And besides this there is good reason for leaving all the subordinate magistrates subject in all things to their chief zillah magistrate. It has always been a mistake to transfer them in any way to any other authority; every purpose for which the new arrangement is proposed, will be far better subserved if the deputy or subordinate magistrates were, as to their judicial not less than their executive functions, made liable to the complete authority of the zillah magistrate by whom they are to be posted, and guided, and controlled: by whom they are to be checked in their errors and encouraged in their successes; to whom they are to look for praise or blame, for repression or advancement; and to whom the Government must look for advice and opinions as to the conduct and qualifications of every member of the new organisation.

Effect of Act XXXI. of 1841.

68. But, both in regard to the revision of sentences of his subordinates by the zillah magistrate, and the revision of the sentences of the magistrate by the zillah or circuit judge, I would most earnestly counsel a return to the system in force before 1841, which gave no criminal appeal of right in any case, but allowed certain higher authorities a power of discretion, and on sufficient cause shown, of revising and amending sentences of certain subordinate courts.

69. The old system was by the Honourable Court* well and wisely contrasted and compared with the newer system of 1841, and the practical superiority of the former strongly and convincingly insisted on. "We apprehend," says the Honourable Court, commenting on Act XXXI. of 1841, "that in this enactment the analogy of civil has been erroneously applied to criminal judicature. In the exercise of the right of appeal given to a party in a civil suit, he has to take into consideration the increased costs with which he will be chargeable in the probable event of the original decree being affirmed. But the convict will have no such motive to discourage him from exercising his right to appeal. The execution of the sentence must be suspended, which will itself be a positive benefit, and the superior tribunal, when it confirms the sentence, cannot enhance its severity as a punishment for the exercise of a legal right. The Act in question indeed expressly prohibits such enhancement, so that a committed prisoner has no inducement to refrain from trying the chance of an appeal. It may, therefore, be expected that when that right comes to be fully understood and generally known, an appeal will be preferred against every sentence, and the great mass of the criminal business of the country will have to be done twice over."

70. "Under the former regulations, the Courts of Circuit, whose powers have since been transferred to the sessions judges, were authorised, upon petitions presented to them within a limited period, to call upon the magistrate for his proceedings in any case, and to pass such orders thereupon as they might deem proper and consistent with the regulations. Similar authority was also vested in the Court of Nizamut Adawlut over all inferior tribunals, and it is renewed in the Act now under consideration. This we apprehend to be the correct principle by which liability to error on the part of the subordinate tribunals should be guarded against; such an interposition of authority did not imply any right of appeal by a convicted prisoner, and was not open to the objections with which that right would be attended. The petition on which superior authority was interposed could only in a loose sense be regarded as at all partaking of the nature of an appeal."

* Despatch from Honourable Court, No. 1 of 1843, dated 1st February.

Sections XXIII. and XXIV., Regulation IX. of 1807.

71. And in a later despatch, dated 3 April 1854, remarking on the reply of the Nizamut Adawlut to the foregoing observations, the Honourable Court's opinion is thus repeated :—"We are aware that it was competent to the superior tribunals, upon petitions presented to them, to call for proceedings in criminal trials, and to pass such orders upon them as might seem just and proper. This exercise of authority, as we observed in the despatch above referred to, constitutes the correct principle by which liability to error on the part of the subordinate tribunals should be guarded against; but the petition on which it may be interposed, can only in a loose sense, as we also observed, be regarded as at all partaking of the nature of an appeal. In such a sense only we conceive the term appeal to have been used in the section pointed out by the Nizamut Adawlut. Otherwise it would imply that the right of appeal belongs to the prosecutor as well as to the prisoner, and it would require that the execution of every sentence should be deferred until the period after which the right ceases had expired, and that every case appealed should undergo complete investigation by the appellate jurisdiction, although, *primâ facie*, there might be no ground whatever to doubt the justice and propriety of the original decision."

72. "The statement furnished by the Nizamut Adawlut shows that the number of cases disposed of in 1843, in the Lower Provinces, amounted to 31,751, and the number of cases appealed to 5,212, or a sixth part of the whole. This is a large proportion of the criminal business of our system of judicature which has had to be done twice over; and it can hardly be doubted that the proportion would greatly increase, if it came to be fully understood, and generally known, that every appeal must be received as a matter of right, and must be completely investigated before the original sentence could be carried into execution.

73. "We therefore continue to think that in passing Act XXXI. of 1841, the analogy of civil has been erroneously applied to criminal judicature, and that the provisions of that Act require to be reconsidered and revised."

74. It is much to be wished that the sound advice of the Honourable Court should now be followed; for, unless this be done, such is the fondness for appeal in this country, that every addition to courts of first instance must be accompanied inevitably by a proportionate addition to courts of appeal.

Nomination of Jurors.

75. Under the plan of the Law Commissioners, the High Court is to make rules for the qualification, appointment, and other matters relating to jurors.* I am clear that the High Court had better be kept from this and all other executive business. A better system was, I think, proposed in the Draught Jury Bill, prepared by the late Mr. Bethune in 1849, and published in the "Gazette" of the 31st October 1849. By this the executive officers of Government, the collector, controlled by the Commissioner and by the Government itself, was to frame the jury lists. However this may be done, I should desire to see as much honour and dignity as possible attached to the rank of a juryman. Perhaps it may not be possible here, any more than in England, to make the duty attractive. But something may be done to surround it with honour, and to make, as it were, some amends for the trouble and responsibility it must occasion.

Nomenclature.

76. Perhaps names are not much worth debating about; but, referring to the nomenclature of the Law Commissioners, I confess to a prejudice in favour of deputy-magistrate and assistant-magistrate, as compared with the long, and in the

* Chap. xix., section 267.

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the mouths of the natives, unmeaning and unintelligible appellations of judge of a subordinate criminal court of the first class, and judge of a subordinate criminal court of the second class.

77. It is impossible to imagine that anybody will ever use all these words in the hurry of business, and the process of abbreviation may possibly be somewhat arbitrary and uncertain. Besides, I have an old-fashioned objection to calling a magistrate a judge, and this, I fancy, will be shared by the natives, who have long been accustomed to associate distinct meanings with the terms judge and magistrate. If possible, then, I would put in a plea for the old terminology.

78. I make no remark in this place on the proposed constitution of the "High Court" of the Law Commissioners, nor on any other part of their plan that does not immediately bear on the administration of criminal justice, and thus on the improvement of the police.

Roads.

79. I have now recapitulated the five chief improvements which seem to me to be required to place the police of Bengal on a footing of reasonable promise, from which it may gradually advance to a better and still better condition. There is, however, yet another measure, which can hardly be omitted in this place, and which may seem of itself almost as important as any of the foregoing. I allude to a measure for the establishment of sufficient means of communication with the interior of districts. It cannot, indeed, be necessary to dwell on the importance of roads and communications to the well-doing of any police system. No system can work well while our police stations and our large towns and marts in the interior are cut off from the chief zillah stations, and from one another, by the almost entire absence of roads or even (during a large part of the year) of the smallest bridle-roads or footpaths. It may be impossible, in the present state of our resources, to make all over our zillahs such roads as are fit at all times for wheeled carriages, but, where better and broader roads cannot be made, it ought to be an indispensable part of our system to have from the chief zillah station to all police stations in the interior, and from each police station to the neighbouring stations, at least a raised and bridged foot or bridle-path, so that a man, a horse, a bullock, an elephant, or a palankeen, should at all times of the year be able uninterruptedly to pass and re-pass. There are but few of our zillahs where this might not be done at a comparatively small expense if the land were available; and of so much public import is it to have land available for such a purpose, that I should not think it unjust to propose a law making it binding on all zemindars, and other proprietors of land, to give up sufficient lands for the purpose, free of all cost to the State, except of any standing crops or agricultural produce. In most parts of Bengal the zemindars would do this willingly without any law, and the benefit to the surrounding lands would be of itself sufficient to over-pay the value of the land given.

80. By so digging the earth for the road as to form a small canal, a means of water communication in the rains might be secured, which would be of the highest value to agriculture and commerce, and which would easily bear a light toll, sufficient to pay for the repair (at least) of the road and the canal.

81. I think that the construction and repair of such roads ought to be an essential duty of each magistrate and division magistrate, that the expense should be estimated and passed once a year, separate from all other public works, and should be considered and calculated on as one of the charges of the police. Such a system, fairly established and energetically kept up, would by facilitating the movements of magistrates, of police officers, of despatches of complainants and of witnesses, do as much for the improvement of the police as any measure that could be devised, and, without it, I doubt if any measures could be fully successful.

Omlah.

82. It is a matter not absolutely essential, yet surely of much importance in this and other branches of the public service, that means should be adopted for encouraging

encouraging and rewarding good service among the native ministerial officers of our courts, popularly called the Omlah.

83. It is usual to run down this class of men with undistinguishing severity, and to attribute to their pernicious influence the greater part of the mischiefs which beset our courts and impede the administration of justice. To a large and unhappy extent these imputations are, it must be owned, but too well deserved. Yet even here reprobation has been too indiscriminate, and too little regard has been had to the trials and temptations by which this class of officers is assailed and surrounded, to the real services which they render, to the extraordinary knowledge of business, industry, and ability by which so many of them are distinguished, and to the general neglect with which they are treated by the Government they serve.

84. They are for the most part paid at a rate that almost necessitates corruption; they have at the best little to look forward to as the honourable reward of a life of incessant toil; and they are liable to be turned off, and not seldom are turned off, without warning, and with the most trifling compensation, on any sudden change or remodelling that may occur in the offices to which they are attached.

85. Yet in the tours which I make through these provinces I have found, much oftener than I anticipated, and in various parts of the country, old, faithful, and useful servants of this class, to whose long, zealous, and often strikingly honest and uncorrupt labours the most convincing testimony is borne by all persons, European and native, with whom they have come into contact.

86. On such men as these I am occasionally solicited to bestow some official promotion as a reward for their past service, and as an incentive to the diligence and honesty of others. To these solicitations I have never been unattentive, and I have done all that I could to encourage meritorious native functionaries of this class by promoting them as far as I was able. But our system seldom permits of this kind of reward being bestowed. The most honest and capable serishtadar cannot rise as a judge without passing through the grade of a moonsiff; and for this he must undergo an examination, which is always insuperably distasteful to a mature man of business, and which is intended to prove, in younger candidates for office, that aptitude and that knowledge of which the old serishtadar has notoriously been long possessed, and which he has proved by a quarter of a century of constant and approved transaction of affairs. For a deputy magistrate he may be fitted by knowledge and experience, but seldom by personal activity or past habits; and, indeed, as natives of a certain age are remarkable for the absence of that pliability and versatility which enables a man to change himself with his circumstances, it is seldom that any of the most able and experienced ministerial omlah, who have long distinguished themselves in subordinate positions, are found to succeed, if transferred to situations of a different and more independent character.

Civil Order of Merit.

87. I am satisfied, however, that it would be greatly to the interest and advantage of Government if some means were devised of systematically rewarding all marked and distinguished service on the part of these and other native civil servants of the State; and I have long wished to see a civil order of merit established for this purpose, with various grades or classes, and moderate pecuniary advantages varying with each class.

88. It would not be difficult to frame a scheme for this purpose, which should cost in money nothing worth consideration, but which might, and probably would, produce the most beneficial effect on the character and conduct of the whole body of native civil servants. I desire to submit this suggestion for the consideration of higher authority.

Station Guards.

89. It may not be indispensable to the improvement of the police, but it is a thing very much to be desired for the security of the public peace, that there

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should be available at the head-quarters of each station a small but well-drilled and trustworthy guard, to be used in case of riot or of opposition to the ordinary police. The same guard might be available for treasury guards and escorts, and for guarding the jails, and other duties of a like kind; and it would often save much harassing duty to the regular troops. I have already proposed the raising of civil police corps for this purpose, of which the expense would be met in part by a reduction of the present very inefficient jail and treasury guards. The Supreme Government has sanctioned the raising of one such corps, to be employed chiefly in the Sonthal Pergunnahs, and, as regards the main proposition, a reference has been made to the Honourable Court.

Honorary Magistrates.

90. It has been recommended, and the recommendation has recently been much canvassed, that commissions as honorary magistrates should be issued to certain carefully-selected indigo planters and zemindars, so as to enlist the wealth and influence of the Mofussil in the administration of its affairs. In favour of this proposition it has been urged that the zemindars and planters do now avowedly, and with the entire consent and satisfaction of the rural population, administer in all small matters, just that simple, ready, and paternal justice among their ryots, which the ryots best understand and appreciate; and that the jurisdiction which is thus assumed and exercised without law, being in itself useful and acceptable to the people, ought rather to be exercised with the full countenance and support of the law; that whether the law give it or withhold this jurisdiction, nothing can prevent the natural effect of wealth, position, influence, and authority among a docile and subservient population; and that it would be wise to enlist in the service of law and order that power which is now sometimes used against the public peace, and is at best, as between authority and crime, too often neutral, if not indeed sometimes ranged on the side of criminals and against the law; that many irregularities now caused by the exercise of unlawful power would cease, if this power were clothed with legal dignity and responsibility; and that by raising the position we should raise and confirm the character and improve the conduct of the entire class in question. On the other hand it is replied that, as regards the zemindars, they are, with rare and hardly ascertained exceptions, hard, selfish, corrupt, and grasping, or indolent, facile, and indifferent to the public good, while they are almost always ignorant and prejudiced. And that as regards planters, they have but too often, under a system which undoubtedly involves a certain extent of forced cultivation, interests so opposed to those of their neighbours and dependants, as to make it in the highest degree unjust and dangerous to entrust them with legal powers, which the very best might sometimes be tempted, and the worst would always be ready, to use for the prosecution of their own unlawful objects. That although indigo planters are as a class greatly improved during the past twenty or thirty years, and often the willing and energetic instruments of much public and private benefit to the neighbourhoods in which they carry on their important avocations, yet they have not yet altogether got the better of a tendency to right themselves in cases of dispute, without waiting for tardy processes of law; and there is still too much jealousy between them and their native neighbours, and too many constantly recurring causes of quarrel between them, to render it possible to entrust to any of them powers which, however honestly they might and probably in many instances would be used, would nevertheless always be contemplated with doubt and suspicion by those around them, and could never be otherwise than unpopular in the hands of even the most esteemed and worthy.

91. Although I somewhat lean towards the opinion that a careful and judicious enlisting into the service of the public of the rich and powerful zemindars and planters of the interior has in it much that seems to promise well, and that it should at all events be kept in view as a measure to be at some, perhaps distantly, future time gradually accomplished, I am not yet in a position to recommend it for present adoption. I have, however, called on a number of experienced officers for their views on the subject, and I may hereafter be able to offer a more decided opinion regarding it.

Vernacular

Vernacular Education.

No. 15.
Minute by the Hon. the Lieut.-Governor of Bengal.
30 April 1856.

92. Lastly, I would express my decided conviction that although the measures I have now proposed, improved and amended as they cannot fail to be during the further discussion to which they will be subjected, will in due time produce an improvement in the state of the Bengal police which cannot otherwise be effected, they are all of secondary importance, compared with the enlightenment of the people among whom they are to operate, and by whose co-operation alone they can be made fully effectual for the general good. While the mass of the people remain in their present state of ignorance and debasement, all laws and all systems must be comparatively useless and vain. Above all things that can be done by us for this people is their gradual intellectual and moral advancement, through the slow but certain means of a widely-spreading popular system of vernacular education, and money laid out on this great engine of improvement will, in the end, prove better spent and more enduringly profitable than on the working of the most excellent system of administration by the most efficient and costly establishments.

93. This greatest of our plans for the benefit of our Indian fellow-subjects has now under happy auspices been commenced. I earnestly trust that it may be prosecuted with persevering determination; that no reasonable expense will be spared to give it activity and extension, and that a large proportion of the rising generation may be embraced within its powerful and beneficent operation.

(signed) *F. J. Halliday.*

30 April 1856.

Note by Mr. Secretary Grey.

Note by Mr. Secretary Grey.
20 April 1856.

It has for some years been matter of complaint by the public in the Mofussil, and more especially the English public, that the office of magistrate in Bengal is held by officers whose junior standing in the service and consequent inexperience do not qualify them for the exercise of the very responsible duties which devolve upon them.

For several years the propriety of re-uniting the offices of magistrate and collector has been thought of and discussed, one of the main objects of such reunion being to place the chief magisterial power in every district in the hands of men of mature age and long experience of India.

It has been thought by most people that such a measure could not fail to produce good, because, while on the one hand the same average amount of natural inferiority and natural superiority was likely to be found in an equal number of men selected from two different ranks in the service, it was on the other hand inevitable that the men of the one rank, that is those of the longer standing, would possess a far greater amount of official experience and of acquaintance with the country and its people.

It has not been supposed, having regard to the manner in which the land revenue in Bengal is raised, that any theoretical objection, founded upon European ideas, would be urged against the junction of revenue and magisterial authority in the same hands, and this seemed the less likely, from the circumstance that in eleven of the Bengal Regulation Districts and in all the Non-Regulation Districts such union of authority actually obtained; this being the case, too, it may be remarked, in all the districts where the permanent settlement does not prevail.

After being talked about for some years, the proposition to reunite the offices of magistrate and collector was at length formally made by Lord Dalhousie in April 1854. The proposition was submitted to the Government of India, and no notice of it being taken for some months, the Lieutenant-Governor, in October of the same year, called the attention of the Supreme Government to the subject, and solicited permission to take advantage of then expected vacancies to reunite

No. 15.
Note by Mr. Secretary Grey.
20 April 1856.

reunite the office of magistrate and collector in some four or five districts, which were named.

This request was, however, refused in January 1855, and a Minute of the Honourable Mr. Grant's was sent for the Lieutenant-Governor's perusal, in which Lord Dalhousie's proposition was strongly objected to. The Lieutenant-Governor communicated his views upon the question to the Supreme Government in February 1855, and since that date nothing more has been heard on the matter from the Supreme Government.

The subject has, however, intermediately been twice brought incidentally to the notice of the Supreme Government. In September last, the Lieutenant-Governor, in applying for an increase to the uncovenanted executive service, took occasion to observe that such assistance, though greatly needed, would not cure one great evil of the present condition of the service; namely, the evil of advancing very young officers to appointments of responsibility and importance.

This evil, it was remarked, could only be cured by one of three measures, one of which was the reuniting of the offices of magistrate and collector.

No reply to this communication has been received.

The second occasion on which the subject of placing the chief magisterial and chief revenue control in a district in the same hands was brought under the notice of the Supreme Government, was in the instance of the districts of Bhaugulpore and Beerbhoom, when a portion of the magisterial jurisdiction of each of those districts was taken, after the Sonthal insurrection, to form a Non-Regulation province. It was then recommended by the Lieutenant-Governor as a measure of economy, that the separate magistracies of Bhaugulpore and Beerbhoom should be abolished, and that the collectors of those districts should be made also magistrates; to this proposition the Supreme Government at once assented.

With the above exception, the magistrate-collector question has not apparently advanced since Lord Dalhousie made his proposition two years ago.

My object in bringing the subject now briefly to the notice of the Lieutenant-Governor, is to beg his attention to a comparative statement which I have prepared, showing the standing of the magistrates in Bengal, that is to say, of the officers actually officiating as such at three different periods, namely, in April 1850, April 1854 (the date of Lord Dalhousie's proposition), and April 1856.

This statement will be found, I think, to show an urgent need of some means being adopted to procure greater experience in the magistrate's office than is now obtained.

The average standing of the magistrates of the 25 * districts which have separate magistrates was, in 1850, nine years and eight months. The average standing of the officers now serving as magistrates in the same districts is only six years and ten months.

In 1850, there were only two magistrates below seven years' standing, now there are 15 such.

The youngest officer officiating as a magistrate in 1850 was of five years' standing; the youngest officer now officiating as a magistrate is of less than three years' standing.

In the case of 1850, I believe it was a temporary appointment merely, as the Directory shows several officers of one and two years' senior standing not acting as magistrates. In the present year, when Mr. Wigram was appointed to act as magistrate of Beerbhoom, there was at the time no officer between him and Lord Ulick Browne, the next junior acting-magistrate, who was qualified and available for a magistrate's appointment.

Unless the number of the service available for duty in Bengal is increased at least to the strength at which it stood in 1850, or some other remedy be adopted, it is clear that the present state of things will continue.

(signed) *W. Grey*,
Secretary to the Government of Bengal.

20 April 1856.

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* That is excluding the 24-Pergunnahs.

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Note by Mr. Secretary Grey.
20 April 1856.

	Magistrates' Length of Service in 1850.	Magistrates' Length of Service in 1854.	Magistrates' Length of Service in 1856.
Behar	17—1	11—4	5—6
Beerbhoom	17—1	6—11	2—9
Shahabad	15—10	5—11	11—0
Tirhoot	13—8	8—3	7—11
Mymensing	12—7	9—0	7—5
Jessore	12—4	8—10	6—3
Dacca	9—7	8—4	5—3
Sarun	9—4	9—4	6—3
Patna	9—3	8—5	5—6
Dinagepore	8—6	11—3	6—10
Monghyr	8—6	8—5	4—7
Hooghly	8—2	9—0	6—0
Midnapore	7—6	6—6	8—6
Rajshahye	7—6	8—5	6—4
Howrah	7—11	5—4	6—7
Purneah	7—3	7—7	9—7
Tipperah	7—4	11—4	9—6
Burdwan	7—3	7—6	5—6
Chittagong	7—3	10—4	6—10
Nuddeah	7—1	13—4	8—6
Backergunge	6—4	5—5	7—5
Moorshedabad	5—0	9—2	5—1
Sylhet	9—6	5—7	7—7
Bhaugulpore	10—3	8—9	10—3
Rungpore	10—8	6—11	5—0
25	242—9	211—2	171—11
	9—8	8—5	6—10

Note by Mr. Secretary Buckland.

Note by Mr. Secretary Buckland.
30 April 1856.

The accompanying statistical returns* are not at all satisfactory to my mind, but they are the best that can be compiled from the materials at present available, viz.: the annual reports of the late superintendent of police's office, and the annual figured returns of the Sudder Nizamut Adawlut; but it will be immediately observed that the returns of these two independent authorities neither tally the one with the other in those points where the figures might be expected to agree, nor does the one take up a subject at the point where the other left it off, or provide information as to the ultimate results. Nor are these returns themselves perfectly uniform for a term of 10 years. Headings have been altered, new definitions of crimes inserted, and for several years the returns of the whole Chittagong division do not appear in the superintendent of police's statements, an omission which occasioned me some perplexity at the sudden decrease of crime, until I ascertained the cause. At the present time, there is still greater difficulty in procuring statistical information. Since the commissioners of divisions became superintendents of police, there are only the annual returns for each division separately, and there is no compilation of a general return showing the results of a year's operations in the whole of Bengal collectively.

In the returns of the Sudder Court there is also an entire change in the form of tabular statements now submitted, a new set of forms having been forwarded by the Honourable Court of Directors, with directions to substitute them for those formerly in use.

It is very desirable that this want of uniformity should cease, and it appears to me that it would not be difficult so to remodel the multiform periodical statements, now submitted by the different authorities, as to make them more simple and easy for the compilers, and more practically useful for statistical purposes. I would merely observe that the Sudder Court has the power, by Regulation VII. of

* Marked (A.) to (F).

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of 1829, to prescribe the form of periodical returns to be furnished by the judicial or police officers under this presidency, but since the appointment of a superintendent of police, that officer has always determined the forms to be used for police returns.

I now turn to the several statements which have been compiled.

Statement (A) is taken from the reports of the superintendent of police, and exhibits the total number of offences ascertained by the police to have been committed in the Regulation Districts of the Lower Provinces from 1843 to 1852, the total number of persons arrested, convicted, committed, and acquitted.*

This return embraces every kind of criminal offence, heinous and petty.

The sudden increase observable in the entry of number of cases in 1845, viz., 1,17,001 against only 43,487 in 1844, arises from the fact that in 1844 only the number of cases into which inquiry was made by the police was exhibited; whereas from 1845 the total number of offences actually ascertained to have been committed, though they led to no subsequent inquiry, has been entered.

Again, from 1845 the number of persons committed to the sessions is not separately shown, but the result is included in the convictions and acquittals without any distinction. I point out these discrepancies because they derange all averages which it is attempted to draw from a mere addition of the figures presented.

I am unable to find any explanation for the sudden falling off in the number of crimes shown in 1850, in which year, even including the Chittagong returns, only 90,154 offences are given, whilst in 1849 they amounted to 1,41,895. There is, however, not a corresponding decrease in the number of persons arrested (though there is a decrease), viz., 91,742 in 1850 to 97,645 in 1849.

But the returns for 1851 and 1852 continue to exhibit a gradual decrease, which shows a general result unfavourable to any presumption of activity on the part of the police. The rough average proportion of convictions to acquittals is five to three, but I place no reliance on such an average, as this return includes petty offences, and also the punishments inflicted on police officers and chowkeydars by fines of small amount, for which the orders are passed merely on a darogah's report.

Statement (B) is also compiled from the reports of the superintendent of police, and exhibits the value of property stolen and recovered in each year from 1843 to 1852. It will be seen that the average value of stolen property reported amounts to 5½ lakhs per annum, but this is a return on which much dependence cannot be placed; as every one acquainted with the duties of a magistrate, must be aware how frequently losses are exaggerated on the one hand, and how frequently on the other hand losses are concealed; and often, when it is found impossible to conceal the outward signs of violence from burglary or dacoity, the owner of the house will stoutly deny the loss of any property, in order to avoid the further trouble of an investigation. There was a case at Serampore in Mr. L. S. Jackson's time, when the owner of a house in which a dacoity had been committed, on hearing that the magistrate was coming in person to investigate the crime, borrowed a quantity of brass vessels and ornaments from his neighbours, and tried by this device to support the story which he had told to the police, that the dacoits had carried off no property. But the magistrate observing that all the vessels, &c., bore marks of being in daily use, detected the scheme, and soon found all the broken chests and boxes of the house which had been carefully hidden away. In Baraset, a man who had been robbed of about 5,000 rupees in a peculiar iron safe, denied his loss on oath to the police at the time; and when, several years afterwards, the dacoity commissioner obtained a clue, which I think led to the recovery of the iron-safe and part of the money, the owner at once admitted his loss, and had a very narrow escape of being punished for the perjury which he had committed.

The average amount of property recovered is a little above 14 per cent.; but I observe that in the Chittagong division, in 1851, it came as high as 22 per cent.

Statement (C) is taken from the return of the superintendent of police. This return

* A statement, marked (D), has been compiled from the Sudder Court's returns, which shows the same particulars as this, but the figures differ throughout to the extent of two or three thousand in the totals of the number of persons arrested, and this difference pervades all the other columns.

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return only commenced in 1845, and its object is to illustrate the practical working of Regulation II. of 1832, which prohibits the police from inquiring into cases of simple theft or burglary, except on the complaint and at the request of the individual injured, or under the special orders of the magistrate. The object of the law was clearly to protect the people from the police, to save a person who had been robbed from incurring the further loss and trouble attendant on an investigation by the police. It is submitted that the existence of such a law is condemnatory of the character of the police, and it is further submitted that this law, benevolent in its intention to the public, is practically most benevolent to the thieves. It is impunity which encourages crime, and if no attempt is made to trace the offenders, they enjoy a practical impunity.

The statement shows that for 14 burglaries committed, only one burglar is punished, the chances being thus 13 to one in the burglar's favour. In thefts the proportion is rather higher against the thieves, viz. as eight to three; the general average being three convictions to eight offences.

But in numerous cases of theft the offender is caught on the spot, and moreover cases of theft are concealed or not reported, in many instances, where the property lost is of small value, or the owner has a doubt whether his property has been lost or stolen. It would be contrary to all experience to suppose that burglaries are really more numerous than thefts; but it is most difficult to conceal a burglary, the sindh, or hole in the wall or tatty, being easily discernible for many days, even after it has been repaired. It is further to be noticed in this return that the acquittals considerably exceed the convictions. Out of every seven thieves arrested by the police, rather less than three are convicted, and rather more than four are acquitted. Among the burglars the proportion is a little more than one conviction to two acquittals. Nor does this show the true proportion.

It is very well known that, in spite of all orders to the contrary, the returns of the police do not show the true number of persons arrested by them on suspicion and subsequently released. Some of them draw a fine distinction as to the point where an arrest is consummated, this consummation not taking place until the proof for the conviction of the individual is obtained. I believe it to be entirely an erroneous opinion to suppose that an efficient police can work well without laying hold of a much larger number of persons who will be acquitted than those who will be convicted. I once had a police return from Liverpool in my possession, which showed an honest out-turn of only one conviction to eight acquittals in cases of theft which had come before the police. It is no doubt most desirable to protect the public from being exposed to unnecessary interference and arrest by the police; but this can be more effectually done by requiring a strict account of every individual whom the police sent for, than by seeking to maintain an average proportion between convictions and acquittals which is deceptive and unnatural. This proportion of convictions and acquittals has long been held by the Sudder Court to be a test of official character, and has led to the most contradictory conclusions. But in the course of last year, when a case came before the Court, which showed that, in a particular district, the police had never made a mistake as to the parties whom they arrested, the system was exposed, and a circular order issued with a view to secure the correct return of all persons apprehended and released by the police.

The statement marked (D.) is compiled from the returns of the Sudder Court, and has been already referred to in connexion with Statement (A.)

Statement (E.) shows the operations of the Sessions Court from 1843 to 1852, and is compiled from the returns of the Sudder Court. It appears that there are rather more than 4,000 prisoners committed annually to the sessions, and the result of the sentences passed in those courts gives about three convictions to two acquittals. This number of acquittals is high, considering the long inquiries which have been gone through by the police and the magistrate previous to commitment. But it is this long inquiry which gives the accused greater facilities of escape, chiefly by tampering with the weary and not unwilling witnesses. However, if the number of trials referred to the Sudder be counted, as they fairly may be, as regards the Sessions Court itself, for convictions in the Sessions Court, the proportion of convictions to acquittals in the sessions becomes about two to one.

The actual figures of this statement show an average on the ten years of 1,935 convictions to 1,237 acquittals, with 512 prisoners referred to the Sudder Nizamut.

No. 15. Note by Mr. Secretary Buckland. 30 April 1856.

The statement marked (F.) shows the result of the referred cases in the Sudder Court, and also of the appeals against the convictions of the sessions judges.

There is a discrepancy in the figures in these two statements (E.) and (F.), as to the total number of persons annually referred to the Sudder Nizamut. This is explained by the circumstance that the Statement (E.) includes only the persons sent up from the Sessions Court from 1st January to 31st December; but Statement (F.) includes only those cases received in the Sudder Court from 1st January to 31st December, so that the cases which have been referred by the sessions judges in the end of December, are taken into account in Statement (E.) for that year; but in Statement (F.) they only appear when they have arrived some time in January in the ensuing year. The average annual number of persons convicted in referred trials is 332 to 148 acquitted.

The result of the appeals against the orders passed by the sessions judges is only imperfectly shown in these returns; but from one of the figured returns (No. 2) prepared by Sir Robert Barlow, I find that from 1848 to 1852 inclusive, the number of petitions of appeal averaged 248, the sentences being modified or reversed in 85 cases, and upheld in 182 cases; as the average number of prisoners in each case appear to be about two and a half, the annual average of prisoners convicted at the sessions (amounting to 1,935) suffers a further reduction of 200 by the result of the appeal to the Sudder.

Of the total 4,000 persons annually committed to the sessions for heinous crimes, it thus appears that the conviction of 1,735 takes place in the sessions effectually, and 332 in the referred trials to the Sudder, so that of the whole number committed very nearly one-half is eventually acquitted.

The want of accuracy in the materials from which the present statements have been compiled, and the time that has been spent in fruitless endeavours to reconcile discrepancies, render an apology necessary for the meagreness of the conclusions which I have ventured to draw from them; but it seems to be very unsafe to build upon foundations so unstable, and which would probably be found on further inquiry to be still more untrustworthy than they appear.

(signed) *C. T. Buckland.*

30 April 1856.

(A.)

AN EPITOME of the TOTAL OFFENCES ascertained by the Police to have been Committed in the Lower Provinces from the Years 1843 to 1852 inclusive.

YEAR.	Number of Cases.	Number of Persons Arrested.	Number of Persons Convicted.	Number of Persons Committed.	Number of Persons Acquitted.	Number of Persons remaining for Trial at close of the Year.	REMARKS.
1843	44,774	86,543	40,280	4,409	34,611	4,950	1,090 died, transferred, or escaped.
1844	43,487	82,987	45,025	4,022	30,809	1,943	1,188 „ „ „
1845	1,17,001	86,623	50,235	- -	32,831	2,537	1,020 „ „ „
1846	1,19,932	87,302	52,240	- -	31,578	2,610	874 „ „ „
1847	1,29,708	89,789	53,454	- -	32,722	2,548	1,065 „ „ „
1848	1,34,200	93,975	56,648	- -	33,550	2,695	1,082 „ „ „
1849	1,41,895	97,645	59,246	- -	34,733	2,651	1,014 „ „ „
1850	90,154	92,342	54,683	- -	33,392	2,716	1,019 „ „ „
1851	90,743	90,483	52,053	- -	34,005	3,137	1,278 „ „ „
1852	87,788	87,549	53,351	- -	29,966	3,058	1,274 „ „ „
TOTAL -	9,99,682	8,95,238	5,17,215	- -	3,28,197	28,845	10,904
Average of the Ten Years -	99,978	89,463	51,721	- -	32,820	2,874	1,090

(B.)

VALUE of PROPERTY Stolen and Recovered.

YEAR.	Computed Value of Property Stolen.			Computed Value of Property Recovered.			REMARKS.
	Rs.	*a.*	*p.*	*Rs.*	*a.*	*p.*	
1843	4,70,548	7	7½	86,108	9	5	18·5 percentage of recovery to loss.
1844	4,55,215	1	5	65,131	–	4	14·0 „ „
1845	5,75,572	10	1	85,115	12	3½	14·7 „ „
1846	4,68,083	6	5½	78,229	7	8½	16·7 „ „
1847	5,69,851	10	10½	82,726	15	1¾	16·2 „ „
1848	5,71,039	14	3	79,855	5	–½	13·9 „ „
1849	5,58,913	1	9½	75,638	12	8½	13·5 „ „
1850	5,49,823	7	6¼	81,292	14	7¾	14·7 „ „
1851	6,34,944	13	9¾	80,676	–	2½	12·7 „ „
1852	6,10,279	9	5½	61,462	8	4½	10·0 „ „
TOTAL	54,63,262	3	2½	7,76,237	5	10½	14·2 „ „
AVERAGE	5,46,327	3	6	77,623	11	9	14·2 „ „

(C.)

STATEMENT of THEFT and BURGLARY from 1843 to 1852 inclnsive.

YEAR.	CRIME.	Number.	Cases inquired into.	Persons Arrested.	Convicted.	Discharged.	PENDING.
1843	Theft						*Remark.*—There is no Return of this nature for these two years, the Average is therefore Octennial instead of Decennial, as in the other Statements.
	Burglary						
1844	Theft	- -	- -	- -	- -	- -	
	Burglary						
1845	Theft	10,116	5,221	9,859	3,662	5,881	316
	Burglary	11,227	2,323	3,773	1,288	2,280	205
1846	Theft	9,956	5,162	8,932	3,299	5,278	355
	Burglary	10,660	1,725	3,155	1,144	1,790	221
1847	Theft	10,487	5,143	8,319	3,065	4,964	290
	Burglary	11,570	1,858	3,826	1,345	2,319	162
1848	Theft	11,291	5,453	8,451	3,283	4,929	239
	Burglary	13,159	1,900	3,505	1,100	2,259	146
1849	Theft	11,613	5,535	8,199	3,414	4,533	252
	Burglary	14,143	2,161	3,454	1,236	2,068	150
1850	Theft	12,881	5,799	7,948	3,365	4,325	258
	Burglary	16,403	2,054	3,453	1,149	2,112	192
1851	Theft	14,115	5,354	10,448	4,491	5,494	203 pending, 20 died, 10 escaped, 164 transferred 66.
	Burglary	19,716	2,100	3,579	1,286	2,066	170 pending, 9 died, 4 escaped, 12 transferred 32.
1852	Theft	13,531	5,486	9,640	4,217	4,987	203 pending, 14 died, 17 escaped, 199 transferred.
	Burglary	18,987	1,997	3,658	1,413	1,993	189 pending, 10 died, 2 escaped, 51 transferred.
TOTAL	Theft	93,990	43,153	71,796	28,796	40,390	2,606
	Burglary	1,15,565	16,118	28,403	9,961	16,886	1,555
AVERAGE of 8 Years	Theft	11,623	5,394	8,977	3,599	5,048	
	Burglary	14,483	2,014	3,550	1,224	2,110	

No. 1.

(D.)

ABSTRACT STATEMENT of the Number of Persons brought to Trial, Acquitted, and Convicted, by the Magistrates and their Assistants in the Lower Provinces, and the Number Committed to take their Trial at the Sessions, from the Year 1843 to 1852 inclusive.

YEAR.	Prisoners under Examination on the 1st January.	Apprehended during the Year.	Received by Transfer.	TOTAL.	Convicted.	Acquitted.	Committed.	Died.	Escaped.	Transferred.	Pending.			Explanation of Column 7.			
											In Jail.	On Bail.	TOTAL.	Summoned by the Magistrate and his Subordinates.	Sent in by the Police.	Released on Bail by the Police and not required to appear before the Magistrate.	TOTAL.
1843 - - -	1,858	83,108	353	85,319	41,911	36,310	3,782	107	644	388	599	1,578	2,197	- - -	- -	16,290	36,310
1844 - - -	2,167	85,318	345	87,830	46,609	33,935	4,085	92	564	541	594	1,410	2,004	- - -	- -	10,666	33,935
1845 - - -	2,004	89,241	425	91,670	50,387	34,250	3,777	118	359	570	642	1,567	2,209	15,328	8,699	10,223	34,250
1846 - - -	2,209	90,041	373	92,623	53,080	32,866	3,522	65	442	386	760	1,502	2,262	16,417	7,798	8,651	32,866
1847 - - -	2,257	93,313	355	95,925	54,319	33,786	3,558	74	617	423	712	1,436	2,148	15,871	9,802	8,113	33,786
1848 - - -	2,147	96,806	215	99,168	57,550	34,678	3,484	105	742	292	671	1,646	2,317	17,356	9,212	8,110	34,678
1849 - - -	2,317	99,424	302	1,02,043	59,363	35,628	3,663	90	585	388	694	1,632	2,326	18,223	10,569	6,836	35,628
1850 - - -	2,326	93,606	420	96,352	55,252	34,292	3,615	83	493	468	637	1,512	2,149	18,633	8,773	6,886	34,292
1851 - - -	2,151	92,295	507	94,935	52,622	34,680	3,701	110	535	701	907	1,697	2,604	18,244	9,525	6,911	34,680
1852 - - -	2,601	89,109	405	92,115	53,692	30,784	3,805	137	611	589	820	1,677	2,497	15,734	9,128	5,922	30,784
TOTAL - -	22,037	9,12,261	3,700	9,37,998	5,24,785	3,41,209	36,992	981	5,592	4,746	7,036	15,657	22,713	1,56,826	73,506	88,608	3,41,209
AVERAGE - -	2,203	91,226	370	93,799	52,478	34,120	3,699	98	559	474	703	1,505	2,271	15,682	- -	- - -	34,120

No. 2.

(E.)

ABSTRACT STATEMENT showing the Number of Persons brought to Trial, Acquitted, and Convicted by the Sessions Courts in the Lower Provinces, and the Number of Persons whose Cases were referred to the Nizamut Adawlut, from the Year 1843 to 1852 inclusive.

YEAR.	Prisoners under Trial on the 1st January.	Committed during the Year.	Received back from the Nizamut Adawlut.	Received by Transfer.	Total.	Convicted.	Acquitted.	Referred to Nizamut Adawlut.	Commitment cancelled.	Died.	Escaped.	Transferred.	Pending.
1843	453	3,789	20	8	4,270	2,096	1,113	592	14	25	6	15	409
1844	409	4,085	52	13	4,559	2,313	1,237	475	19	29	4	15	467
1845	467	3,780	16	13	4,276	2,131	1,289	471	28	30	1	8	318
1846	318	3,522	13	183	4,036	1,782	1,216	400	23	19	14	156	426
1847	426	3,576	13	241	4,256	1,764	1,300	504	54	20	-	201	413
1848	413	3,557	4	11	3,985	1,797	1,183	458	16	29	2	-	500
1849	500	3,663	6	8	4,177	1,839	1,361	535	32	24	1	2	383
1850	383	3,742	17	5	4,147	1,740	1,226	529	39	21	-	5	587
1851	587	3,707	63	12	4,369	1,945	1,270	523	67	17	3	5	539
1852	539	3,855	20	3	4,417	1,944	1,183	640	80	34	1	3	532
TOTAL	4,495	37,276	224	497	42,492	19,351	12,378	5,127	372	248	32	410	4,574
AVERAGE	449	3,727	22	49	4,249	1,935	1,237	512	37	24	3	41	457

No. 15.
Note by Mr. Secretary Buckland.
30 April 1856.

No. 3.

(F.)

ABSTRACT STATEMENT showing the Number of Criminal Cases referred or appealed to the Nizamut Adawlut, with the Orders passed thereon, together with an Abstract Statement of Criminal Business disposed of, from the Year 1843 to 1852 inclusive.

YEAR.	TRIALS REFERRED UNDER THE REGULATIONS.							TRIALS CALLED FOR ON PERUSAL OF THE ABSTRACT.							PETITIONS OF APPEAL From Sentences of the Sessions Courts, presented to the Court or forwarded by the Sessions Judge.					
	Number of Cases pending on the 1st of January of each year.	Number of Cases received during the year.	Total Number of Persons under Trial.	Number of Persons convicted	Number of Persons acquitted.	Number of Persons whose Cases were remanded.	Number of Cases pending at the end of the year.	Pending on the 1st January of each year.	Received during the year.	Total.	Order confirmed.	Order modified.	Order reversed.	Pending at the end of the year.	Pending on the 1st January of each year.	Received during the year	Total.	Petition rejected.	Petition admitted and the Case called for.	Pending at the end of the year.
1843 - -	8	256	560	373	125	37	9	1	20	21	6	2	12	1	14	181	195	136	38	21
1844 - -	9	199	472	265	179	14	7	1	19	20	7	4	9	–	21	246	267	117	137	13
1845 - -	7	215	518	315	114	10	15	–	8	8	–	–	5	3	13	319	332	100	221	11
1846 - -	15	204	453	303	110	10	20	3	14	17	5	3	7	2	11	238	249	43	199	7
1847 - -	20	201	480	331	141	4	3	2	7	9	3	–	5	1	7	218	275	22	198	5
1848 - -	3	193	438	285	141	4	4	1	16	17	8	1	8	–	5	227	232	21	207	4
1849 - -	4	241	583	398	133	10	14	–	16	16	6	2	7	1	4	285	289	2	286	1
1850 - -	14	202	519	305	176	16	8	1	25	26	10	4	11	1	1	378	379	48	325	6
1851 - -	8	227	522	318	173	10	10	1	22	23	8	7	8	–	6	489	495	108	374	13
1852 - -	10	244	652	431	188	16	6	–	27	27	18	3	5	1	13	607	620	153	448	19
TOTAL - -	98	2,182	5,497	3,324	1,480	131	96	10	174	184	71	26	77	10	95	3,188	3,333	770	2,433	100
AVERAGE -	9	218	549	332	148	13	9	1	17	18	7	2	7	1	9	318	333	77	243	10

— No. 16. —

No. 16.
Minute by the Governor-General.
18 February 1857.

MINUTE by the Right Honourable the Governor-General.

Bengal Police.—The Honourable Court of Directors, in their despatch in the Judicial Department, No. 41, dated the 24th September 1856, have expressed their conviction that an immediate and thorough reform of the police in all the Old Provinces of India is loudly called for. They have pointed generally to the evils of the existing system, have suggested remedies for those evils, and have desired the Government of India to take the subject into its early consideration; and, after communication with the other Presidencies, to report fully its sentiments as to the expediency of the general reorganisation of the police throughout India upon some such system as that which obtains with respect to the police of the Punjab, or perhaps the constabulary of Ireland, and as to the mode and cost of the proposed reform.

2. This despatch has been communicated to the several local* Governments with a view to obtain the opinions of those Governments on the Honourable Court's suggestions. But we have already before us the recommendations of the Lieutenant-Governor of Bengal on all the material questions of police and criminal justice relating to the Lower Provinces. These, therefore, we may proceed to consider without waiting for a further communication from the Lieutenant-Governor, whose opinion on the several points referred to in the Honourable Court's despatch are already on record.

3. As the Honourable Court has invited the Government of India to report fully its sentiments as to the expediency of the general reorganisation of the police of India upon some such system as that of the Punjab, or perhaps of Ireland, I conceive that I shall best answer that call by stating freely such objections to the Honourable Court's plan as have occurred to me, and by proposing the adoption of the course which has most recommended itself to my judgment wherever a departure from that plan appears to me advisable.

4. The Honourable Court are in favour of one general plan of police organisation for the whole of India, modified according to circumstances. The main features of this plan are that in each Presidency or Government there should be one general superintendent of police; that there should be a force under him, consisting of horse and foot, superintended in its larger divisions by European subalterns, and equipped, clothed, and disciplined, so as to render it efficient and serviceable without giving it an absolutely military organisation; that the duties of this force should be purely of a preventive character, namely, "the preservation of the public peace," and "the adoption of necessary measures for the prevention of crime;" that the detective police should form a constituent portion of each battalion of the preventive police under the European officers; that the preventive police should have nothing to do with the preparation of evidence, but that the detective police should for the present have power to make preliminary inquiries of a judicial character; that the size of the districts should be diminished; that the police of each district should be taken out of the hands of the magistrate and given to an European officer with no other duties, and responsible to the general superintendent; that no native police officer should be trusted with fiscal powers: and lastly, that the pay of the detective police should be raised, and more effectual measures taken to punish delinquency and reward good service.

5. I venture to think that the adoption of a common plan for all India, founded upon the suggestions of the Honourable Court as above stated, would involve much change and expense that is not really necessary. Reform of the police is most needed in Madras and in the Lower Provinces of Bengal, but the imperfections which abound in the systems of police in these two great divisions of India are not the same, and, except in one respect, of the insufficient pay of the native officers, have their origin in different causes. So, likewise, Bombay and

* Bengal, N.W. Provinces, Madras, Bombay.

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and the N. W. Provinces, where reform is much less needed, differ materially from each other, and from the other provinces in respect to the condition of the people, the nature of the land tenures, the physical aspect of the country, and other important characteristics; and a system of police which may answer well in the one would be inapplicable to the circumstances of the other.

6. We shall, therefore, in my opinion, be far more likely to arrive at a sound practical result, and to provide effectually for the protection of life and property throughout India, if we treat each Presidency and Lieutenant-Governorship separately, according to its own wants, of course bearing in mind certain leading principles which must necessarily be common to all, than if we postpone consideration of the Bengal question until replies are received from the other Presidencies, and endeavour to frame one scheme which, with minor modifications, shall be equally applicable to all.

7. In considering the reform of the police of Bengal, the first point upon which I shall touch is the appointment of a general superintendent of police for the whole Presidency, a point upon which the Honourable Court have strongly insisted, and to which they attach the greatest importance. The desire which the Court entertain of giving a semi-military organisation to the police of each Presidency naturally enhances in their view the importance of aiming at uniformity of system by the creation of a single and responsible head of the whole force. I am, however, convinced, for reasons that will be given presently, that any such semi-military organisation of the police of Bengal generally is inapplicable to the circumstances of the Province; and, therefore, I shall consider the question of appointing one general superintendent of police in Bengal with reference only to a police which is to be established mainly for detective purposes, and the apprehension of furtive criminals, but which will be aided by such semi-military force, like the station-guards at Patna, the Hill-Rangers at Bhaugulpore, or the new police corps for the Sonthal Pergunnahs, as may be found necessary for the suppression of disturbance in particular localities, or to support the ordinary police in case of resistance.

8. The Government of Bengal embraces an enormous extent of territory, extending from the magistrates' district of Champaraun in the Patna division to the district of Sandoway in Arracan, a distance of 1,000 miles; from the district of Debroogurh in Assam to the district of Pooree in Cuttack, a distance of 850 miles; and from the district of Tipperah in the Chittagong division to the boundary of the province of Nagpore, a distance of 650 miles. In this extended space there are five principal divisions,* in which as many different languages are spoken; and there are also numerous tracts inhabited by aboriginal and wild tribes, none of whom understand the languages spoken by the others or by the more civilised denizens of the plains. These several divisions and tracts are separated from each other, not only by diversity of language and custom, but by the absence of all means of ready communication; so that there is little community of feeling or interest between the corresponding ranks of the population in each, and none at all between the criminal classes, the individuals of which carry on their depredations within their own narrow and confined limits, and (except the Thugs who are now well-nigh exterminated, and the Bengal dacoits, the gangs of whom do not extend their operations beyond the districts adjoining that in which their headquarters are established) almost without concert of any kind.

9. The experiment of having one general superintendent of police for this large and incongruous territory has been tried, and has failed. The office of superintendent was created in 1837 and though it was found impossible to place under him any of the Non-regulation Districts,† or the province of Cuttack; and though it was afterwards found necessary to relieve him of the division of Chittagong, yet, even within this comparatively small, though actually most extensive sphere of authority, it was found that the superintendent could exercise little more than a nominal control over the district magistrates; that he was unable to visit the more distant districts except at rare intervals, and those nearer more than once a year; and that all that he did could be done far more effectually by the

* Behar, Bengal, Orissa, Assam, Arracan.

† Chota Nagpore, Assam, Arracan, Darjeeling, Cachar, Cossya Hills.

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the local government itself, aided by local superintendents of police, each charged with the control of the police in manageable divisions, consisting of four or five districts. Accordingly, so lately as 1854, the general superintendency of police was abolished, and the duties of local superintendents of police were again assigned throughout the country, as they had all along been in a great part of it, to the commissioners of revenue. It has not, I believe, been found that the control over the police in Bengal has, in any respect, been weakened by this arrangement. The system prevails now not only in every part of the Bengal Presidency without exception, but in the Non-regulation Provinces of the Punjab, Oude, and Pegu, and it is everywhere found to work well, so far as the materials on which it has to work enable it to do so.

10. It may be added, that, if it has been found that one general superintendent of police could not control the operations of the civil police in a portion of the Lower Provinces, there is very strong ground for presuming that such an officer, however great his aptitude and energy, would be unequal to the duty of controlling the semi-military and civil police, augmented as it will be in numbers, throughout the whole of those provinces.

11. The next question which arises for consideration is the constitution of the police force.

12. In the Punjab, from which the Honourable Court desire that the model should be taken for all India, the preventive or military police consists of six regiments of foot, containing 5,400 men, and 27 troops of horse, numbering 2,700 men, and is superintended by four British officers as police captains. The infantry furnish guards for jails, treasuries, frontier posts, and escorts for treasure and civil officers in transit. The cavalry are posted in detachments at the stations; and smaller parties, stationed along the grand lines of road, serve as mounted patrols.* Both horse and foot are ready to reinforce the civil police, "the former to crush resistance, the latter to expedite pursuit." The civil police in the Punjab are very much on the same footing as that in the North-western Provinces and Bengal, but they are much more numerous. The territory is divided into 228 police jurisdictions or thannahs, in each of which is a police officer (darogah), on a salary varying from 100 rupees to 50 rupees a month, with one or two deputies, and about 30 policemen. The total strength is about 6,900 of all grades. But in the Punjab and the North-western Provinces the police establishments of the thannahs are controlled by the tahsildars, each of whom, in addition to his fiscal duties, exercises a vigilant control over the police within his jurisdiction, which on an average consists of about three thannahs. This is an important link in the chain of police management between the district magistrate and the darogah, which in Bengal is either wholly wanting, or is imperfectly supplied by the joint, deputy, or assistant magistrates in charge of subdivisions.

13. It is to be observed that the immediate duties of the military or preventive police are, strictly speaking, not those of policemen at all. It is not by them that crime is either detected or prevented, or criminals traced or arrested. Their primary business is of a military rather than a civil character; and they are much more frequently employed in relieving the regular troops of irksome duties than in assisting the police. They are brought into play as a civil power only when resistance is offered to the police, or when speed is necessary in the pursuit of offenders along the principal lines of road. Moreover, the detective police do not form a constituent part of the preventive police, but are quite independent of them, and under a perfectly separate organisation.

14. Now, in Bengal the nucleus of a semi-military force, sufficient for the occasional support of the ordinary police, as well as for other duties, already exists in the Patna Station Guards, the Bhaugulpore Hill Rangers, and the corps which has recently been raised for police service in the Sontal pergunnahs. The Patna Guards have been organised on their present footing since 1848. They supply personal guards to the commissioner of the division and the judges of the districts named in the margin.† They also furnish jail, treasury, and opium guards

* Punjab Report for 1850-51, para. 162.

† Patna, Shahabad, Behar, Sarun, Chumparun, Tirhoot.

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guards for these districts, and escort for treasure and prisoners. A portion of the force remains at head-quarters at Patna, where they are drilled and disciplined under the eye of the European commandant, and are available for relief and for aiding the police in any emergency. The Bhaugulpore Hill Rangers, in like manner, supply personal and station guards in the districts of Bhaugulpore, Purnea, and Monghyr, and are also available for escort duty, and as an auxiliary police force in case of need.

15. In 1845 the Government of Bengal proposed to form three corps of station guards, one for the districts in the neighbourhood of Patna, a second for the districts of the Delta and Western Bengal, and a third for Bengal north and west of the river Ganges. This resulted in the establishment of the Patna police-guard, by way of experiment; but the formation of the other two corps was postponed, partly on the ground of economy, and partly owing to a doubt whether two additional corps would suffice for the duties assigned to them in the wide extent of territory in which it was proposed to employ them. Since then, and not longer ago than last year, the Lieutenant-Governor has proposed to raise three such corps, in addition to the one already sanctioned for the Sontal pergunnahs.

16. It appears to me, that if the civil police force be reorganised in the manner hereafter to be mentioned, and if due provision be made for its proper supervision and control, all the objects of a military police, so far as concerns Bengal, will be answered by the enrolment of two more corps of station guards, under the same organisation as that of the Patna station guards and the Sontal police force. I am disposed to think that if the corps of Bhaugulpore Hill Rangers be made, as it ought to be, a purely civil corps, by means of it and of the Sontal police regiment, station guards could be supplied to all the Bengal districts to the west of the Bhagerutty, as well as to Dinagepore and Malda; and then one corps with its head-quarters at Berhampore, and another with its head-quarters at Dacca, would probably give all that is required. The additional expense involved in entertaining these two corps of station guards would be trifling, as a large number of burkundauzes now employed to guard the several gaols and treasuries would be dispensed with.

17. The head-quarters of the Behar corps would be, as at present, at Patna, where it is most needed. The hill-rangers would have their head-quarters at Bhaugulpore; the Sontal corps at Soory; and the Berhampore corps at Berhampore, all within reach of the Sontal pergunnahs; and the Dacca corps would have its head-quarters at the spot in Bengal at which it has been most frequently surmised that resistance to the constituted authorities may occur.

18. Cuttack is to a certain extent supplied with a reserve police force in the Balasore paiks; Chota Nagpore is preserved against resistance or disturbance by its local battalion. Assam has a similar protection, and so has Arrakan.

19. For these several corps no general superintendence but that of the local Government, and no special organisation other than that of internal discipline, is required. The commandant of each should be under the orders of the commissioner in whose division he is placed, and the detachments in each district under the orders of the local magistrate. Discipline might be insured by occasional inspection of the men at head-quarters by a military officer selected for the purpose.

20. I now come to the constitution of the civil police. On this subject we have had before us for a long time a recommendation from the Government of Bengal, that the salaries of the mohurirs and jemadars who occupy the position of the deputy police officers in the Punjab, and also the salaries of the burkundauzes should be considerably increased. The Lieutenant-Governor, in a letter dated 30th April 1855, has submitted a definite proposition on this head, involving an additional expenditure of 3,38,609 rupees a year. It is proposed by His Honor that the mohurirs, instead of their present pay, varying from 20 to 5 a month, should one quarter of them receive 40, another quarter 35, and the rest 30 a month; and that the jemadars, instead of their present pay varying from 15 to 4 a month, should one quarter of them receive 20, another quarter 15, and the rest, 10 a month. It is further proposed that the burkundauzes, who are now paid at rates varying from 6 to 2 a month, should one quarter of them receive 6, another

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another quarter 5, and the rest 4 a month. The proposed increase of cost is as follows:—

	Rs.
For Mohurirs - - - - - - - -	1,91,971
„ Jemadars - - - - - - - -	54,640
„ Burkundauzes - - - - - - -	91,998
TOTAL - - - Rs.	3,38,609

The absolute necessity for some such measure as this has been long since recognised* by the Government of India. The proposal has been agreed to by my Honourable Colleagues, and should be at once sanctioned. It is, to my mind, an essential point in police reform, without which no other improvements we can adopt will be of any avail; but I am led to entertain some doubt whether any burkundaz ought to receive less than five rupees a month† in any part of the country, and there is still abundant reason to fear that the police in every grade is numerically insufficient, and that it will be found necessary, besides increasing the pay of the existing establishment, considerably to augment its strength. I think the designation of mohurir, meaning strictly "a clerk," should be changed to that of naib darogah.

21. The Lieutenant-Governor has proposed, that a "few considerable prizes be held out to darogahs, in the shape of increased salaries for particularly distinguished service." To this I do not object, provided it be shown in each individual case that the deserving officer is not qualified for promotion to the deputy magistracy. I think that this sort of promotion is the natural and proper reward for a successful darogah of police, and likely to be the most effective in its influence, and I hope that it will be found practicable to award it more generally than the Lieutenant-Governor supposes, especially now that the higher offices in the police are beginning to be filled by natives of character and English education. In this view it appears to me that the Government of India might agree to grant not more than 10 special salaries of 200 rupees, and as many of 150 rupees for distinguished service, to be given only on the condition above expressed, and not by any means as a matter of course.

22. The next point of importance, as it seems to me, is to supply the want which is felt in Bengal from the absence of the tahsildars, who occupy so prominent a position in the system of the Punjab and the North-western Provinces. The number of thannahs in the Lower Provinces, after deducting for city thannahs of a very small extent in the cities of Patna, Moorshedabad, and Dacca, and for the thannahs at the Sudder stations, is said by the Lieutenant-Governor, in his Minute of the 30th April last, to be about 400.‡ The geographical extent of the Bengal thannahs is generally greater than that of the thannahs in the North-western Provinces and Punjab, and the facility of communication from one part of a district to another is less. Making allowance for this, and remembering, on the other hand, that the tahsildars are burdened with heavy fiscal duties, I am disposed to think that the police subdivisions in Bengal may properly consist, on an average, of from three to four thannahs, each under an officer exercising plenary police powers, and also judicial powers, either of an ordinary assistant, or of an assistant with special powers, or of a joint magistrate, according to circumstances. Of these officers, who, if uncovenanted, may very properly be designated deputy magistrates, and who may occasionally be members of the covenanted service, 133 will be required.

23. The

* *Note.*—In 1843, the Government of India, in sanctioning the augmentation of the darogahs' salaries, desired that the principle might be carried still further, and extended to other classes of police officers; and promised to approve such extension if the increase in the darogahs' pay was found to answer. The Honourable Court, in reference to this, merely observed that the present rate of charge should not be increased without their previous sanction; and nothing has since been done in the matter.

† *Note.*—Mr. Dampier recommended, in 1840, that there should be two grades of burkundauzes on 5 and 6.

‡ There must be some error in this. The number of thannahs is stated in Mr. Secretary Grey's letter, of the 30th April 1855, to be 527; so that, after allowing for city and Sudder thannahs, there must be about 450 rural thannahs to be provided for.

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23. The Lieutenant-Governor states, that there are only 33 officers already available for this service, and that, therefore, 100 more will be needed, whose salaries, according to the scale already fixed for the uncovenanted executive service, will amount to 4,21,200 rupees. This number, His Honor observes, may be diminished, if the strength of the covenanted service be increased. The ordinary strength and pay of the uncovenanted service in Bengal is shown in the margin;* but there are at present 10 supernumeraries, all of the lowest grade, whose salaries amount to 24,000 rupees a year, making the total present expense 4,45,200 rupees a year. Now, if the number be made up to 200, the gradations may be properly arranged somewhat on the present scale, and with some addition to the number of those who are paid at the higher rate, though I am not prepared to agree with the Lieutenant-Governor in thinking that a higher rate of salary than 700 rupees a month, with a pension in prospect, is necessary for securing the most efficient service. I propose, therefore, the following scale:—

				Rs.
First Class	10	at	700	7,000
Second Class	15	at	600	9,000
Third Class	25	at	500	12,500
Fourth Class	40	at	400	16,000
Fifth Class	50	at	300	15,000
Sixth Class	60	at	200	12,000
Total	200			71,500
				12
			Rs.	8,58,000

The total increase of expense under this head will be 4,12,800 rupees, and I believe it to be absolutely necessary.

24. With assistance of the character thus obtained, and with subordinate police, stimulated to a zealous discharge of their duties by fair wages and a prospect of promotion, I am not inclined to think that any of the districts of Bengal will be too extensive to be managed by a magistrate at its head-quarters, even though he be employed on duties of another kind, or that any division of such districts is required, at all events as a general measure. To any special application for the division of a magisterial district, the Government of India will doubtless always be ready to attend.

25. I now come to the important question discussed in some of the papers before us, as to whether, in certain Regulation districts in the Lower Provinces, the offices of magistrate and collector should continue separate, or whether they should be united in one person. After giving the subject my best consideration, and carefully weighing the arguments which have been adduced on either side, I have come to the conclusion that the two offices where now separate should be reunited, and that the system which is found to work equally well in the Non-Regulation districts in the North-Western Provinces, and in several districts of the Lower Provinces, should be uniformly adopted. It seems to me, speaking with sincere deference to the opinion of my honourable colleague, Mr. Grant, that reason, no less that experience, points to the necessity of concentrating the whole executive power of the Government, in each district of Bengal, in the hands of one experienced man. We have the authority of Lord Dalhouse, after four

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	Rs.
* 1 at 700	700
9 at 600	5,400
15 at 500	7,500
20 at 400	8,000
25 at 300	7,500
30 at 200	6,000
	35,100
per annum, *Rs.*	4,21,200

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four years' experience of local administration, in favour of the measure; and we have the earnest and repeated recommendation of the Lieutenant-Governor on the same side. The system of separating the two offices seems to have been adopted rather on theoretical grounds, and in the hope that any change would conduce to the improvement of the police, than from the experience of practical inconvenience from their union; though if it had been otherwise, the previous system can hardly be said to have had a fair trial, seeing that it existed only a few years, and at a time when the chief energies of the collector-magistrate were taxed for the performance of the onerous duties imposed by the sudden and energetic enforcement of the resumption laws

26. The Honourable Court have in their recent despatch expressed a clear opinion, that though the union of fiscal and police powers in the hands of a subordinate native officer is to be avoided, and where it exists to be discontinued, there is not "the same objection to the combination of magisterial and fiscal powers in the hands of our European officers, because we can better hope that they will not abuse their power, and because by employing the collector as the principal magistrate of each district, we are able to obtain for the chief administration of the penal laws a more efficient, and especially a more experienced class of officers than would otherwise be available."

"This," they add, "is an important consideration, which ought never to be lost sight of." I beg respectfully to express my thorough concurrence in this opinion.

27. I agree with the Honourable Mr. Grant that a system of administration which suits an uncivilised country may not be adapted to one more advanced in civilisation, but there still remains the question whether the districts in Bengal, in which the offices have been divided, are in that advanced state of civilisation which renders the division of magisterial and fiscal function a preferable mode of local administration to that in which these functions are united; and whether there is such material difference in point of civilisation between those districts and the districts in which no such division has taken place, or between those districts and all the districts of the North-western Provinces, as to require a separate and more theoretically perfect system of administration. Judging from all the evidence before me as to the state of things in the Upper and Lower Provinces of the Bengal Presidency, I find myself constrained to answer this question in the negative. I think that, in Bengal especially, the efficient administration of the penal laws requires all the force and influence which the Government can bring to bear upon it, and that this force and influence will be increased by substituting for the divided authority now partially existing in these provinces that union of local control which, as it seems to me, is much better suited to the character and wants of the people. I do not think that the case would be met by raising the salaries of the magistrates and reducing those of the collectors, or by putting them upon an equality. An inexperienced collector may be as mischievous as an inexperienced magistrate, and it is not desirable that any man should exercise independent authority of any kind over a whole district until he is ripe for it. And even if experience could be secured in both offices, the division of authority is to be avoided rather than sought. As regards the people, I fully believe that what has been called the patriarchal form of government is, in their present condition, most congenial to them; and best understood by them: and as regards the governing power, the concentration of all responsibility upon one officer cannot fail to keep his attention alive, and to stimulate his energy in every department to the utmost, whilst it will preclude the growth of those obstructions to good government which are apt to spring up where two co-ordinate officers divide the authority.

28. Neither do I think that a parallel can be drawn between a Bengal mofussil district and the presidency town of Calcutta in respect to a division of offices. In the former the collector is and must be an officer of high authority, whose relation to the zemindars and to the rest of the agricultural community, in connexion with the settlement and collection of the land revenue, and the disposal of quasi-judicial questions relating to it, must always be one of influence and power, and whose co-operation with the magistrate it is most important to secure by the closest union. In Calcutta, on the other hand, the magistrate, an officer of long experience, with an expensive and numerous staff of European and native police at his command, and

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assisted by justices of legal attainments and practice, would derive no appreciable addition of power from being charged with the collection of petty ground-rents, and the excise upon spirits, a duty entrusted to an uncovenanted officer under the control of the collector of the 24-Pergunnahs. Moreover, the concentrated wealth and civilisation of the town of Calcutta are such as to require and support a more perfect division of labour in its local administration than any entire district or town of the mofussil can be expected to claim, upon like grounds, for many generations to come.

29. I propose, therefore, that the Lieutenant-Governor be at once authorised, as opportunities occur, to reunite the offices of magistrate and collector throughout the Lower Provinces wherever they have been separated, assigning to the united offices the salary of 27,000 rupees a year, now drawn by the collectors and magistrates in the North-western Provinces, but liable to reduction on the report of the Commissioner on Civil Salaries, and absorbing as many of the separate magistracies as may be necessary to avoid any additional expense, leaving the remaining salaries now assigned to magistrates available for paying the covenanted officers who will then be employed as joint-magistrates and deputy-collectors in each district, precisely on the same system as in the North-western Provinces. It is to be observed that the officers are now united in thirteen of the Regulation Districts, viz., the three districts of the Cuttack Province, Chumparun, Baraset, Furreedpore, Bancora, Noakolly, Pubna, Bogra, Malda, Beerbhom, and Bhaugulpore. In the two last-mentioned, it was brought about only last year, with the sanction of the Government of India, after the suppression of the Sontal insurrection.

30. But I think it will be advisable, as it is certainly in accordance with the views of the Honourable Court, that the joint magistrate in each district should be charged with the immediate responsibility of controlling the police of the district, somewhat after the fashion of the district superintendent of police in Bombay. The Bengal joint magistrate, like the Bombay superintendent of police, would be under the general orders of the magistrate; but while the magistrate confines himself for the most part to judicial and administrative matters, the joint magistrate would have the control of the executive police, and take the initiative in the prevention and detection of crime. I have already mentioned my reasons for thinking it inexpedient to give a more military character to the Bengal police than it now bears; and it is in accordance with those reasons that I propose that the immediate control of the police should be in the hands of a civil rather than in those of a military officer. The station guards, when their interference is needed to aid the civil police, will be at the disposal of the magistrate and his deputy, but there seems no necessity for placing them, as regards discipline or internal organisation, under any other command than that of their own officers, who will be bound, however, to pay implicit obedience to the authorities of the district in which they are stationed.

31. Having considered the questions which relate directly to the constitution of the stipendiary police of Bengal, I proceed to offer a few remarks on the cognate subjects referred to in the Lieutenant-Governor's Minute of the 30th April last. I propose to discuss in a separate Minute the very important subject of the village watch, the condition of which, owing to the uncertainty which has been suffered to exist as to the persons who are liable to pay for its support, has become deplorable.

32. I agree generally with the Lieutenant-Governor in the remarks recorded by his Honour in the 49th to the 55th paragraph of his Minute, regarding the union of the judicial and executive powers in the same hands. I conceive it to be quite in accordance with the notions entertained by the people of these provinces, and well adapted to their state of civilisation, that the officers who are charged with the duty of superintending and directing the operations of the police should also exercise the powers of a magistrate, to try and punish offenders except in heinous cases. In regard to the magistrate of a district, I am of opinion, that — although it is convenient that he should make over the immediate management of the police to his head-assistant, the joint magistrate, and devote a greater portion of his attention to the trial of the heavier cases within his competence, and the preparation of cases which have eventually to be committed to the sessions for trial—it is most conducive to the public good that he should exercise a general

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a general control over the proceedings of his subordinate officer, and interfere when it may be necessary for him to do so. On the other hand, I see no reason why the joint magistrate should not devote some portion of the time he can spare from police duties to the disposal of judicial business. And with respect to the deputy magistrates in charge of subdivisions, though their attention should be primarily given to police matters, it seems desirable that they should also exercise judicial authority in a large class of cases, referring only such cases as they may not have leisure to deal with to the moonsiff for disposal. In the event of too much being left to the moonsiff, the monthly statements furnished by the deputy magistrate to the magistrate would show it immediately.

33. I am not averse to that part of the scheme of the Indian Law Commissioners which would invest all the moonsiffs with criminal powers, at any rate, to the extent of those now exercised by assistant magistrates; and I think it expedient that the Lieutenant-Governor should vest with the higher or special criminal powers all such of the class of native judges as are capable of exercising them. All petty complaints of which the police do not take cognisance * might be received, in the first instance, by the moonsiff; and the police might be empowered to send to the nearest moonsiff for trial all cases which seem to them of such trivial importance as not to require the interference of the magistrate, or the deputy magistrate; but I do not think that it would be conducive to the convenience of the people, or otherwise expedient to denude the magistrate, or the deputy magistrates, of all judicial powers, or to prevent the magistrate from exercising a control over the judicial proceedings of the moonsiff on the criminal side.

34. Regarding the salaries and position of the native judges, I shall record my opinion in a separate Minute.

35. I incline strongly to the opinion that the proceedings of the subordinate criminal courts should be of the simplest possible description. I am also of opinion that there should be no appeal of right from the sentence of a subordinate court in criminal matters; but that the magistrate should have authority to revise or modify the decision of every assistant or officer exercising the powers of assistant within his jurisdiction, and that the judge should, in like manner, have authority to revise or modify the decision of every magistrate or officer exercising the powers of a magistrate. The review would take place as a matter of course, and any person would be competent to call the attention of the magistrate or judge to any point upon which the decision had done wrong to any one.

36. In the last paragraph of their despatch the Honourable Court suggest whether the influence, services, and means of information of the landholders and European residents in the Mofussil might not be made more available than at present for purposes of police, especially for the prevention and detection of the more heinous crimes. This subject is treated in the 90th and 91st paragraphs of the Lieutenant-Governor's Minute of the 30th April last, and his Honor, after recapitulating the arguments which may be used in favour of, and against, the measure, though he does not recommend its immediate adoption, leans to the opinion, "that a careful and judicious enlisting into the service of the public of the rich and powerful zemindars and planters of the interior has in it much that seems to promise well, and that it should, at all events, be kept in view as a measure to be at some, perhaps distantly, future time, gradually accomplished."

37. As bearing on this point, I desire to submit for the consideration of the Council the fact that, in the island of Ceylon, a considerable number of unpaid justices of the peace have, for some years past, been appointed to aid the stipendiary magistrates in the disposal of cases. Many of the European planters, and most of the respectable natives of each province, have received a commission. They are not vested with a power of punishment, but they can remand a prisoner for further examination, or commit him to take his trial before a competent court, and they can take recognisances for good behaviour. They have also the power

* Such as adultery, abusive language, calumny, slight trespass, or petty assault.

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power of issuing warrants, summons, and subpœnas through the police. The system is said to work well, and to give satisfaction to the people; while the commission is valued by those who hold it, especially the natives, as a social distinction which they would not willingly sacrifice by the abuse of any power which it gives them.

38. I am strongly disposed to think that a similar system might safely, and with great advantage, be adopted in the interior of India, and that in Bengal especially, where so many persons, both European and native, of wealth, influence, and intelligence are to be found, there are peculiar reasons, not only as relating exclusively to the administration of police and criminal justice, but of a wider political character, which render it advisable that an attempt should be made to enlist their services in the cause of order and good government. I should be disposed to authorise the Lieutenant-Governor to vest with the powers of an assistant magistrate, under Act No. XV. of 1843, scarcely equivalent to those of a justice of the peace under the English law, any persons of respectability whom he may consider fit to be entrusted with such power. Persons so empowered would be competent to receive complaints in all except heinous offences, including affray, to issue summons, warrants, and subpœnas, to take evidence, to punish up to fifteen days' imprisonment, and 50 rupees fine; and in cases of theft with one month's further imprisonment, in lieu of stripes, and to refer to the magistrate, or deputy magistrate, for final orders, cases requiring a severer measure of punishment. It is difficult to conceive that powers like these would be abused, except in very rare instances, by the persons whom the Lieutenant-Governor would select to exercise them. Even in the absence of a higher principle, the fear of losing a marked social distinction, and the influence which accompanies it, would prevent such a result; and the benefit which a judicious exercise of such power would be certain to confer on the public, seems to me to demand an early trial of the experiment. We know that, as it is, a quasi-magisterial power is assumed by many zemindars and planters; that, although not recognised by the law or the Government, it is acquiesced in by those around them, and that, upon the whole, advantage results from it. I should consider it a great gain if the Government should be able to obtain the open and active co-operation of the best men of those classes for the furtherance of justice and the maintenance of order. To the public the gain would be, that justice would be brought nearer to every man's door than can otherwise be the case; and to a government it can never be a matter of indifference to enlist amongst its officers and coadjutors the most intelligent, wealthy, and independent members of the community. I would try the experiment, and I would not be discouraged if here and there the trust should not be satisfactorily discharged, or even should be abused.

39. In the 16th paragraph of their despatch the Honourable Court observe, that they "think it desirable that an enactment should be passed, vesting in the magistrate or superintendent of police the power of summarily inflicting severe punishment on policemen in proved cases of delinquency, and that the Local Government should be invariably apprised of instances of their intelligence and integrity, and be prompt and liberal in rewarding such conduct."

40. So far as Bengal is concerned, the law as it stands enables a magistrate to inflict summary punishment on police officers convicted of delinquency of any kind, and the Local Government has the means, which it frequently exercises, of rewarding deserving police officers, either by promotion to the higher grades of the service or by special rewards.

41. To recapitulate, my proposals are:—

First.—That the police of Bengal be reorganised at once without waiting for a plan applicable to the whole of India.

Second.—That there be no general superintendent of police for Bengal, but that the police be superintended, as at present, by the commissioners of divisions acting under the general control of the Government.

Third.—That the police of Bengal be not organised after a military fashion, but that two or perhaps three additional corps of station guards be formed, to protect the offices, jails, and treasuries, to furnish escorts, and to aid the regular police in case of need.

Fourth.—That the salaries of the mohurirs, jemadars, and burkundauzes be raised,

raised, as proposed by the Lieutenant-Governor, at an annual additional expense of 3,38,609 rupees.

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Fifth.—That special salaries be assigned to deserving darogahs, at a maximum annual cost of 30,000 rupees.

Sixth.—That either covenanted officers, or uncovenanted deputy magistrates, be placed in charge of subdivisions consisting of from three to four thannahs each, and that 90 members be added to the subordinate executive service at an increased annual expense of 4,12,800 rupees.

Seventh.—That the offices of magistrate and collector where now disunited in Bengal should be combined in the same person, and that such of the covenanted officers as are now magistrates and are not absorbed in the higher office, should be employed as joint magistrates and deputy collectors, but without any increase of salary.

Eighth.—That the joint magistrate in each district should ordinarily have the superintendence of the police under the general control of the magistrate.

Ninth.—That the deputy magistrates exercise judicial as well as police powers.

Tenth.—That the moonsiffs generally be vested with the criminal powers of an assistant magistrate, and with such higher powers as the Local Government may think proper to confer in particular cases.

Eleventh.—That the proceedings of the subordinate courts be made as summary as possible, and that there be no appeal of right.

Twelfth.—That the local government be authorised to vest respectable residents of the interior with the powers of an assistant magistrate.

I was in hopes that the chief part of these reforms might be carried into effect in anticipation of the sanction of the home authorities, but considering the large increase of expense involved, and the terms of the Honourable Court's recent despatch, it will be better that the subject be referred home with our strong recommendation for the issue of early orders. The only exception to this is the reunion of the office of magistrate and collector, which involves no increase of expense, and is in accordance with the views of the Honourable Court. This change, if the Council should so determine, may be carried out at once.

Canning.

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No. 17. Minutes by the Hon. J. A. Dorin and Major-General the Hon. J. Low. 21 Feb. 1857.

MINUTES by the Honourable *J. A. Dorin* and Major-General the Honourable *J. Low.*

Improvement of the Police in the Bengal Provinces.

I AM prepared to assent generally to all the proposals set forth in the Minute of the Right honourable the Governor-General, and more especially do I concur as to the expediency of the measures suggested in the fourth, sixth, eleventh, and twelfth of them.

It is utterly hopeless to look for a good police, unless you pay the members of it at a rate to ensure honesty, and place them under efficient supervision and control; the expense of doing so is undoubtedly heavy, but it is an expense that must necessarily be incurred, if security of life and property is worth having, and is to be maintained.

I would most earnestly recommend the measure of enlisting the co-operation of respectable landholders and residents in the mofussil in the cause of order and good government, by entrusting them with limited magisterial powers. The measure may possibly fail, and it is not improbable that, in some instances, the power may be abused; but I think it is of such infinite importance to attempt to bring justice nearer than it has ever been yet to the masses of the people, and this seems to me such a reasonable method of doing so, that I would persevere in the trial of the plan at almost any hazard.

I quite agree as to the propriety of making the proceedings of the subordinate courts in petty criminal jurisdiction as summary as possible, and of preventing

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appeals, which are the bane of our judicial system. No officer, however conscientious, will do his best, if he knows that his decisions are to be open to endless appeal; the greater the responsibility, the better chance is there of substantial justice.

I somewhat question whether less than three additional police battalions will be sufficient for the wants of the Bengal provinces; and I think it would be useful if a military organisation were so far given to them, that they should not be always stationary at the same places, but be liable to relief at moderate intervals of time. I believe that the local connexions and prejudices formed and created by long residence in the same spot are highly prejudicial to efficiency. In this case I think there should be one general superintendent, not of police, but of police corps.

The union of the offices of collector and magistrate in one person is, I have little doubt, wrong in theory, but I believe it will work better in practice than any other plan that can be afforded at present, and I recommend that it be carried into effect without further delay.

21 February 1857. (signed) *J. A. Dorin.*

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23 Feb. 1857.

I have carefully perused these interesting papers; I do not see any necessity for there being "one general superintendent, not of police, but of police corps;" but, with that single exception, I fully concur in all the sentiments and remarks recorded in the above Minute by my honourable colleague, Mr. Dorin.

23 February 1857. (signed) *J. Low.*

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— No. 18. —

MINUTE by the Honourable *J. P. Grant.*

Bengal Police.

9 April 1857.

1. I PROPOSE to discuss the several points raised in the papers before us, in the order in which they are treated in the Minute of the Right Honourable the Governor-General.

2. *Separate Treatment of this Matter.*—I agree most fully with his Lordship in thinking that the question of improving the police of Bengal should not be delayed for the purpose of introducing one uniform scheme of reform at all the Presidencies. To mature such a uniform and general scheme, assuming the expediency of establishing such uniformity, must be the work of a very considerable time; whilst the weakness and defects of the Bengal police are too notorious; the interests at stake in this the most important division of the empire are too great; and the contrast between the provision made for the police of other more favoured but less important provinces, and that made for the police of Bengal, is too glaring, to warrant any avoidable delay. Delay is not unavoidable, because the evil can be remedied, for present purposes, without reference to the systems, present or prospective, of the other Presidencies. Whether, therefore, it be decided that a uniform system should be eventually introduced all over India, or that each Presidency, and each division of a Presidency, should have such a system as may be thought best for itself (on which question I am not in a position to form an opinion at present), I earnestly hope that we may be immediately authorised to do what is pressingly required for Bengal.

3. This will not stand in the way of any more general and uniform reform at any future time. For what is it that is most pressingly required for Bengal? Many projects, more or less differing from each other, are proposed by way of reform; but there is one foundation on which they are all built, and in respect to the necessity of which all are agreed, namely, a largely increased expenditure upon the native police—such an expenditure at the very least as will raise the expenditure upon this department of administration in Bengal so as to approach

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to what is due to the population, the wealth, and the taxation of this part of the empire; such an expenditure at the very least as will give Bengal a police which, in mere physical strength, is not palpably inadequate. I take the liberty of appending to this paper a copy of a Minute I recorded in another department, under date the 27th of November 1854, which bears so directly upon the present point, that its reintroduction here will save the repetition of an old argument in new words. If an additional expenditure upon the native police of Bengal of all grades, to the amount of some fifteen lacs of rupees a year, is allowed, no matter upon what system the additional force is organised, we cannot fail to do great good. If this expenditure of money is not allowed, no change of system will avail.

4. *A general Superintendent of Police for the whole Bengal Presidency.*—On this point I agree thoroughly with the Governor-General, for the reasons assigned by his Lordship. It seems to me that the divisional system is the best system now in force in India. Under this system the local administration in all executive departments of what may be called a small province of manageable extent, consisting of five or six districts, is (or should be) entrusted to a single officer of mark and experience, as commissioner; and the general superintendence of the police of his division seems to me an essential part of the business of such an officer, without which the object of the system is not attained.

5. *The Constitution of the Bengal Police Force.*—I agree generally in his Lordship's remarks respecting military police. I would adopt, however, in Bengal exactly the Punjab system of police corps, converting, as is proposed, the Behar Station Guards (which body I am inclined to think partakes too little of the military character), the Hill Rangers (which body being now purely military must partake too much of that character), and the new levy of Punjabees, into police battalions formed on the Punjab model. I do not see why the Calcutta militia should not undergo the same conversion; it seems to me that a third class of corps between the class of civil and the class of military corps is unnecessary. I feel doubtful whether two additional police corps, as proposed, would quite suffice to protect Bengal as it should be protected, considering the remarkably small number of regular troops which are now or hereafter are likely to be cantoned within its limits. I fear one corps at Dacca will be an insufficient provision for Eastern Bengal. The Sontal side of Bengal is now amply provided for. There is no reason to suppose that because the last outbreak was there, the next will be there also. I look upon the Sontal Pergunnahs as quieted for ever; but I regard the Ferazy population of Eastern Bengal, filling extensive and populous districts now wholly unprotected, as a source of very serious danger, though a danger which requires only the securities provided in every part of India except Bengal, in order to be fully guarded against.

6. I am also doubtful how far we can fairly lay claim to the pay of burkundauzes now employed as jail and treasury guards, as a partial set-off against the cost of the new police battalions. For whatever number of men, whether men of a police battalion or burkundauzes, are employed as jail and treasury guards, that number will be wholly useless for the purposes for which the new police corps are wanted. When, therefore, I speak of the number of new police corps that will be required, I mean corps of such strength as will afford enough movable men, over and above such immovable guards as may be supplied by them.

7. What is at present our disgrace and our danger in Bengal is, not merely that our police burkundauzes are infinitely too few in number to keep the peace among 40 millions of souls, but that the *morale* of the policemen we have is such that they won't fight, even when in sufficient numerical strength at any spot. They are wholly useless, not only in such a grave affair as the Sontal insurrection, but in the common affrays that occur constantly in Bengal. They cannot face the professional lattials. There are numerous cases of European civil officers, with large guards of burkundauzes, put to the rout by rioters less formidable than the professional lattials. It is, in my opinion, not enough that there shall be, as is proposed, at every head-station of a district a body of men to be relied on, who can be sent in force to any part of the district where a formidable rising may take place. Such a body of men at the head-station would be of great occasional use, and would tend to give a general sense of security to the whole district; but we want also other men of the same sort for every day use. For this purpose,

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there must be, I think, if not at every thannah, at least in every small circle of thannahs, a body of men who can be relied on when opposed by such classes as our lattials and dacoits are composed of; and who shall ever be at hand to suppress or prevent the common affrays, and the common acts of force, by which the strong oppress the weak in these provinces. In short, the physical force which every darogah must have at his command, should be a real force, not as now merely a nominal force, which fails him whenever it is wanted for use; and for this purpose, I see nothing for it but to supplant our thannah burkundauzes by semi-military policemen. The detection of crime, I do not doubt, will be best managed by quite a different class of men, whose numbers will be comparatively very few, and whose qualifications must be very different from those required of a sturdy and spirited body of fighting policemen. As a class, I cannot very clearly distinguish these proposed detective policemen from the class to which the present thannah mohurirs belong.

8. I can myself hardly hope that less than three new police battalions will secure Bengal; and whatever number of battalions there may be, I think the strength required for purely police purposes must be provided, over and above the number required as jail and treasury guards. The plan I should prefer would be to have a small separate police corps for every division. This would require for Bengal and Behar several small corps.

9. *District Civil Police.*—I agree with the Right honourable the Governor-General in thinking that the designation of mohurir should be changed to that of naib thannadar, and that these naib thannadars should be classed, and should have their pay raised in the manner and to the full extent recommended by the honourable the Lieutenant-Governor of Bengal. I think also that the proposed classification of the subordinate class called jummadars, is very desirable, and the proposed increase of their pay indispensable.

10. As to the thannah burkundauzes, if they are retained at all, I agree with his Lordship in thinking that five rupees a month are not too much for the lowest class. But my own opinion is that, however much we pay them, these men will be useless; and that unless we replace them by a useful body of men, our intended reform will fail. We require a body of men enlisted on the side of order, who shall be equal in point of courage, and superior in point of discipline and organisation to the professional lattials. These thannah burkundauzes are infinitely inferior to the lattials in all three points. Now, raising their pay might enable us to get men of sufficient courage; it might put the magistrate on a more equal footing in the lattial market with the zemindar and planter than he is on now, but it would do nothing for discipline or organisation. To attain these objects we must have a semi-military body; and as we are to have such a body in the police battalions, I would look to those battalions exclusively for my physical force at the thannah, as well as at the Suddar station. If this use is not made of the proposed police corps, then such corps will be merely what the Calcutta militia are now, which for all common police purposes is not, and was not intended to be, of any use. If this use is made of the proposed corps, then I believe the lattials' occupation will be gone.

11. I am unable to agree with the Lieutenant-Governor in thinking that the thannadars generally are not inadequately paid at present. It appears to me that no increase in the pay of the men under the thannadar will be worth what it must cost, unless the thannadar himself, on whom everything rests, is put upon a respectable footing; raising the pay of the men without raising that of the master, whose pay is already too low, will tend still further to degrade the position of the master. I believe that in thinking the pay of darogahs sufficient, the Lieutenant-Governor is not supported by the general feeling (whether official or unofficial) of the mofussil. However this may be, it seems to me at least certain, that if the proposed increase in the pay of the assistant (the mohurir or naib darogah) is not excessive, the general pay of the responsible head of the office, at its present rate, is by much too small. By the proposed plan, the assistants of the first class will draw 40 rupees a month. Now the pay of the mass of darogahs is only 50 rupees a month; and the average pay of the whole body is only 59-7-9 rupees a month. The distinction of 10 rupees a month between the chief's staff and the chief himself, who is solely responsible in theory for the state of his thannah, and

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and who is all in all in practice even more than in theory, appears to me plainly to be quite insufficient.

12. For this reason, and because I agree with the Governor-general in thinking that the proper reward for eminent good service as a darogah is promotion to a higher grade in the department, such as that of deputy-magistrate; instead of allowing 20 special salaries at the enhanced rates of 150 rupees and 200 rupees a month, I strongly recommend that no officer of the class of darogah, being the responsible head of an office, should receive less than 100 rupees a month. That is now the pay of the first class of darogahs; but it is no more than the pay of the lowest class of moonsiffs. The main objects of civil and criminal justice, namely, the protection of honest industry, and the security of life, person, and property, depend more upon the darogah than upon the moonsiff. The temptation, in most parts of Bengal, to which the darogah is exposed, is infinitely greater than that to which the moonsiff is exposed. His duties are much heavier, and, if honestly performed, much more irksome, and much more likely to bring down upon him the vengeance of an influential neighbour, than those of the moonsiff. On no principle do I think it defensible to pay him less than the moonsiff. I shall look upon all the money spent in the contemplated police reform, as to a large extent misspent, if the general position of the darogahs is not raised, as it is proposed to raise the general position of their subordinates. The expense of raising the pay of all darogahs to that of the lower grade of moonsiffs, I believe, would not very greatly exceed two lacs of rupees a year; about the same as the proposed increase of the pay of mohurirs. To this, in my opinion, should be added what is necessary to raise the pay of one-fourth part of the whole body of darogahs to an equality with that of the higher grade of moonsiffs, namely 150 rupees a month.

13. The heaviest item of increase proposed is 4,12,800 rupees for 100 additional deputy-magistrates. I doubt the necessity of going to so large an expense on this account. If the old Indian theory, to me a most unaccountable theory, under which we are prohibited from making use of our lowest class of civil judges for the trial of the smallest and simplest criminal offences, is to be persisted in, so that these deputy-magistrates would be the only petty criminal judges away from the head station in a large district; then I should think, not only that this large item of expense must be incurred, but that to do anything like justice to the people, without harassing them by dragging them to distant courts, in small matters, this item should be doubled or trebled. But even the Lieutenant-Governor does not recommend a continued strict adherence to this remarkable theory. He contemplates the grant of criminal power to certain moonsiffs. He would not, indeed, grant such powers to all, generally; he would make such grant in each instance a special case, as I understand him, regulating himself by reference, not to what the local want of a petty criminal judge may be, but to what the personal character of the judge may be. However imperfect, as a provision for the wants of a district this scheme would be, it may still be taken as an admission on the part of his Honor, that there is nothing in the nature of things in India to prevent a petty civil judge being also a petty criminal judge. For my own part, I cannot conceive a man who is fit for the one duty being unfit for the other. The scheme of the Law Commissioners, whose proposed code is now under the consideration of the legislative council, is to give criminal powers to the moonsiffs universally; and I shall be very much surprised if this part of the scheme of those eminent gentlemen has not the unanimous support of the legislative council. Now, if this is so determined, there will be no necessity, so far as the object of bringing petty criminal justice within a moderate distance of every man's door is concerned, for so large and costly an increase of deputy-magistrates as is proposed. It is, indeed, true that the Law Commissioners intend to give only small powers to moonsiffs; in which they agreed with a zillah scheme propounded by me in a minute which is amongst these papers, dated the 23d November 1854.* To provide for cases more important than the very lowest class, I had proposed to use Sudder ameens, who should have had higher criminal powers than moonsiffs will have. The Law Commissioners propose to abolish the class of Sudder ameens; but it would be a small modification

* Paragraph 28.

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cation of their system to give moonsiffs of the first grade higher criminal powers; and then if such moonsiffs were properly distributed in the interior of zillahs, the object would be attained.

14. If 100 additional deputy-magistrates are not wanted as judges, I do not think that so large an increase can be wanted merely as assistant-superintendents of police.

15. If, however, economy does not drive Government to stint the plan of police reform in some other more essential point, in order to find funds for this heavy item, the police will gain by this accession of strength. I am only anxious not to spend 300 rupees or 400 rupees in a circle of thannahs upon a single officer not absolutely necessary, whilst I foresee great difficulty in obtaining what is absolutely necessary for paying the requisite quantity of real physical force, without which no number of deputy-magistrates can defend the circle from the lattials.

16. On the whole, I recommend the suspension of sanction to this part of the present plan until the Code of Criminal Procedure is passed.

17. *Union of Offices of Magistrate and Collector.*—Upon this question, as I have had opportunities of recording my sentiments in full in previous Minutes,* I should have abstained, and gladly abstained, from writing another word now beyond a simple statement of my respectful adherence, after careful reconsideration, to my original opinion, had not something new occurred since I last wrote on the subject, directly bearing on the question at issue, which, in my judgment, imperatively demands the especial attention of the Government of India. The occurrence, or rather the series of occurrences, to which I allude are, the Report of the Madras Torture Commission;† the Resolution of the Madras Government thereupon;‡ and the debate in the House of Lords thereupon.§ The general question, however it may be determined here, will be finally decided at home. In the view I take of it, I should not be doing my duty if I did not, with sincere deference and respect for the better judgments of those who differ from me, submit, for the consideration of those on whom the responsibility of final judgment will rest, the view I take of the bearing of this new matter upon the general question.

18. I do not understand the Honourable Court, in the passage of their recent public Despatch referred to in his Lordship's Minute, to have intended to pronounce a definite judgment on this question. They say that the same objection which exists in the case of native officers does not exist to the combination of magisterial and fiscal powers in the hands of European officers; and this is undeniably true. The objections in the two cases are somewhat different in their nature, and very different indeed in degree. But, nevertheless, in both cases objections more or less important may exist. If I had understood this passage otherwise, I should have considered the question closed and been silent.

19. In my Minute of the 23d of November 1854, I made a remark, which I will take the liberty to repeat in the margin.‖ The inquiry to which I then alluded, resulted in the Report of the Torture Commission above mentioned.

20. There is no longer any question as to the necessity of separating the functions of revenue and those of police and criminal justice, so far as native functionaries

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* Dated 23 November 1854; and 8 May 1855.

† Dated 16 April 1855. ‡ Dated 17 June 1855. § On the 14th of April 1856.

‖ "At this moment, in the Madras provinces, an inquiry is on foot into the truth of a charge that has been made formally in Parliament, to the effect, that in those provinces where magisterial and fiscal powers are in the same hands, the Government revenue is systematically raised by the use of torture, inflicted by the native officers vested with these double powers. I trust that the charge, in the main, will be disproved; but I myself heard, when I was in the south of India, some such stories as would naturally have given rise to the charge. I myself heard, what makes me very glad that the fact is to undergo inquiry. Now no one can deny that, under the Bengal system, no such charge could stand a moment. Every one knows that in Bengal, police, peons, and darogahs, often torture prisoners for police purposes; but no one for the last 70 years has ever suspected that a rupee of revenue was ever raised in Bengal by the help of torture. This is one of the views in which, I submit, the smoothness and silence with which public affairs go on, when all power, in all departments, is centred in the hands of one train of officials, cannot be regarded as good for the people, however agreeable they may be to the administrator."

functionaries are concerned. This one decisive effect the Torture Report has had upon the European mind universally. So much of the "native system" (at one time lauded beyond measure and without qualification, both in its revenue and its police aspect) has been abandoned by all. The Honourable Court's present Despatch pronounces judgment against it in respect to native officers. That is to say, it is now, by universal consent, pronounced to be insupportable, if its action is intrusted to those who invented it. The Torture Commissioners are in nothing more confident than in this,—that, bad as the system has been as worked under us, it was infinitely worse as worked under native rule. "The native system," then, was an abomination, as is now universally recognised, when worked in the only way its inventors contemplated its working; and, but for the miracle of the country having fallen under the dominion of strangers from a distant Western Island, it must now be admitted that the theory of the propriety of this union of dissimilar functions, as an Indian practical question, would have become hopeless. Therefore, the contention of all the supporters of this union who accept the judgment of the Home Government, as pronounced in this Despatch, must now be narrowed to this position,—that the Mahomedan system, though abominable under the Mahomedans, became, by a wonderful accident, the best possible system for the country they misgoverned, when put into the hands of Englishmen, though confessedly it is a system which is contrary to all English principle and practice, and is disagreeable to the commonplace English mind. And it is further contended, that the fact that Englishmen are in a particular province (Bengal) a numerous and a fast increasing part of the community, forming already one of its most important classes, and promising to become quite its most important class, is no special objection to the adoption of this Mahomedan system in that particular province.

21. Here is a great step gained. The question is very much narrower and very much simpler than it once was. I do not know if the full extent of the decision, that the united functions cannot be intrusted to native hands, has been seen. Not only must revenue and police powers be disjoined in the case of the peons and the tehsildars, the principle of the reform applies as strongly to the deputy-collectors and the deputy-magistrates, who are mostly natives. Yet the functions of these last-mentioned classes of officers are in quality the same as those of collectors and magistrates. A deputy-magistrate of experience has always the full powers of a magistrate. However this difficulty may be treated, I see not how incongruity of system and invidious and offensive class distinctions are avoidable, if the union in European hands is persisted in.

22. What the effect of their inquiry has been upon the minds of the Torture Commissioners on this point cannot be doubted. In an early part of their Report, in explaining the absence of torture within the collectorate of Madras, they lay stress not upon the mere fact that the revenue and police peons are separate in that collectorate, but that "the native revenue servants and police are perfectly distinct bodies, under separate heads and management,—the former under the collector, having no police power whatever as" [he has] "in the provinces, the latter being entirely under the control of the chief magistrate, who is also superintendent of police;" consequently "the revenue officers here are in fear of the police authorities." Every officer of Indian experience will understand why the fact of the two classes of native officers being under different European heads, causes in the one class a wholesome fear of the other. A European officer is always the last person to hear of the malpractices of his own native subordinates. The people will complain to any one else, but it is hard to induce them to complain to a chief of the conduct of those under that chief's orders. A European will hear plenty of evil of the conduct of native officers over whom he has no control; but he will hear little against those who serve him, or serve under him; and what little he does hear will be probably in the shape of charges which, in the manner and form alleged, are false. It is immaterial to the present question whose fault this is; it is the fact alone which is material to our present purpose, and no one will question the fact.

23. It is hardly necessary to cite proof of a fact so notorious. But the ready manner in which the people came great distances in numbers to make their complaints to the Torture Commissioners, as soon as they heard of the object of the appointment of that body, contrasted with the extreme paucity of complaints on

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the same subject made to the local officers, whose regular and constant duty it is to hear them, is in itself remarkable evidence of the effect which the disconnexion of the officer, who is to hear a complaint, with the department complained against has upon the native mind. "I did not complain," says one witness; "it must be by the collectors' orders that the tehsildars perpetrate such cruelties."* Others say, "I did not complain, as it is not usual for such complaint to be listened to;"† and "I did not complain to the collector—what is the use of a poor man like me complaining?"—and "I did not complain to the gentlemen; for who will hear?" Yet the same people travelled great distances to make, as volunteers, the same complaint to "the gentlemen" the moment they heard of gentlemen open to such complaints, and officially disconnected with the native officers against whose abuses of power they had to complain. The truth is, as the Torture Commissioners have explained to the world, and as every intelligent Indian officer has known since his first assistantship, that it is the banded body of omlah, belonging to the department with which he is concerned, that a native complainant is afraid of; and that all omlah under one head, whatever may be their respective designations, are one band.

24. A remarkable example of the effect of this unnatural union of functions was disclosed only the other day in the Legislative Council, in connexion with a matter which was under my own charge. I had introduced a bill to get rid, in the Bengal Presidency, of the system of the unnecessary impressment of carriage for troops marching. They had formerly had, at Madras, a regulation precisely the same as the Bengal impressment regulation which it was my object to get rid of; but Sir Thomas Munro's Government had repealed it, on the ground that it was the cause of grievous oppression; and that it was unnecessary, because, by proper commissariat management, carriage could be procured for Government in the same way as private parties obtain it, when they want it; that is, by previous arrangement, and by paying the price of what they want. But in the course of discussion, what I knew very well long ago was fairly admitted by Mr. Elliot, the Madras member of the Council; namely, that impressment is practised to this day at Madras, contrary to law, with all the abuses which Sir Thomas Munro had forcibly exposed, exactly as if the whole law authorising the practice had remained in force. The explanation of this is, that Sir Thomas Munro died soon after the repeal of the regulation which he had condemned; that the commissariat arrangements he would have carried out have never been taken in hand by his successors; and that the collector-magistrates, by reason of their double power, are practically above all law. Now, it is only under a system by which the functions of the collector and those of the magistrate are united in the hands of one man, that this habitual and universal breach of law could have continued unchecked for so many years. For it is the collector who breaks the law by seizing carriage; and it is the same gentleman, in his magisterial phase, whose duty it is to release the carriage, to restore it to its owner, and to punish the offence of unlawful seizure. None but the offender has any power of dealing with the offence.

25. The Torture Commissioners' Report gives a cruel case of this very kind; a case which bears truth upon its face.‡ Thousands, strictly speaking, thousands of such cases occur annually in every army division when regiments march. The same report shows how labour is forced; and property, without payment, is taken for revenue works § by collector-magistrates. Whenever such cases occur, the person who offends, or is charged with offending, in one capacity, is the person to whom alone, in another capacity, this union system gravely professes to look for the due inquiry into the fact, and the due infliction of the penalty of the law. How just was Mr. Fullerton's observation, that "the exclusive privilege of receiving criminal charges carries with it a power not less dangerous than that of inflicting punishment, namely, a power to exempt individuals from the penalties of the law." ‖

26. I freely admit that, so far as the officer's own acts and omissions are concerned, the evil of the combination in the hands of a high European officer is very

* Report, p. 28. † Report, pp. 25, 26, 27.
‡ Appendix (F.) No. 30. § Appendix (F.) No. 29. ‖ Cited in the Torture Report, p. 69.

very much less in degree than when in the hands of a native. But my argument is that the main part of the evil is not in the effect of the combination upon the European officer's own acts, but in its indirect effect upon both the classes of native officers under him, and upon the minds of the natives of his district. Yet even so far as the European officer's own acts and omissions are concerned, I cannot admit that the evil is so small in degree as to be otherwise than material. I wish I could make this admission; but I cannot do so with truth. I cannot rise from a perusal of the Torture Report, without feeling that there has been a degree of blindness, slowness, dulness, and inaction in the Madras collector-magistrates in relation to the practice of realising revenue by torture, which certainly so many active and intelligent gentlemen would not have shown, if the torturers had been private persons, and the object had been something in which those collector-magistrates had no official interest. I say this with sorrow; and I make allowance for the false position in which these officers are placed. But taking the view I do of the fact, I should be unpardonable if I did not do all in my power to relieve them from this false position, and to oppose with all my strength the extension of the system which, in their case, has had such lamentable consequences.

27. From their resolution upon the report of the Commissioners, we find that the Madras Government are deeply sensible of the importance of this question; they feel the difficulty of making so great a change of system as the sudden separation of the collector's and magistrate's functions would involve; but they state that the subject has been for some time under consideration, and that no half-measures will answer. I think I cannot be wrong in inferring from what is upon record, that the wish of the Madras Government is for the separation. It is, at least, certain that the Madras Government, in spite of the difficulty of a fundamental change of system, are so impressed with the disadvantages of the union of these functions, as to be anxiously considering the propriety of incurring all that difficulty in order to escape these disadvantages. Now, with deference, I must say, that I think it would appear to the public a capricious proceeding for us in Bengal, driven by no necessity, and pressed by no serious inconvenience, to undergo the certain evil of change for the sake of the theoretical advantages which some of us anticipate from a particular union of functions here; whilst the Madras Government at the very same moment, pressed by the experienced ill-consequences of that same union there, and smarting under the discredit which those ill-consequences have brought upon their administration, are anxiously pondering the proposal to undergo the certain evils of change, for the sake of a separation of those same functions. I look upon this as an argument to be maturely considered, even by those who differ from me on the theoretical and abstract merits of the question, before determining to take a step here, which cannot fail to appear like a prejudgment of the question that Lord Harris's Government has at this moment before it.

28. I now come to the third occurrence to which I have above alluded, namely, the debate in the House of Lords on the 14th of April 1856, when certain resolutions were moved, and with some little modification, were carried unanimously, concerning torture in Madras. As some of her Majesty's Ministers took part in that debate, not merely expressing their opinions as individuals, but also, as I understand it, holding out expectations on the part of Her Majesty's Administration in this very matter, I think the Government of India will act prudently if it take no decided action in the matter, without respectful advertence to what passed on that occasion.

29. I have the volume of Hansard, containing that debate, now open before me. I find that the union of the powers of magistrate with those of collector was strongly animadverted upon by several of the speakers, as one of the causes of the prevalence at Madras of torture for the realisation of revenue; and that this union was defended by none. I may fairly rely on the tenour of the speeches of the noble lords who spoke on that occasion, as showing how the highest English feeling regards the question I am discussing; and as an argument to be weighed even by those who take a different view from mine on the abstract question.

30. I believe that I shall not be wrong in quoting here some expressions of Lord Ellenborough's, by way of supporting my argument by the high authority

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of a former Governor-General of India. His Lordship said;* "I rejoice that the noble duke (the Duke of Argyll) has stated it to be his opinion, and, as I understand, that of Her Majesty's Government, that it was absolutely essential to separate the functions of the police from the collection of the revenue. I have always been of opinion that the police and the revenue should be in different hands; but the noble duke will find, and the Government here will find, more practical difficulty in carrying that separation into effect than they expect, and unless the greatest resolution is shown by the authorities here, you may depend upon it failure will ensue. I say this with the more confidence, because this was the only subject on which I and my council did not agree. I never could get them to adopt the view which I always entertained as to the necessity of separating the police from the revenue department." I cannot refrain from supporting another point in my argument by the same high authority. His Lordship said, † "There is nothing more dangerous or improper in the state of India than the connexion between the persons in the police and the persons who were generally understood to have the ear of the collector. It leads to the keeping back of complaints which ought to be made, and to the defeat of justice when complaints are made." It is obvious that, whilst one man is chief of the police and criminal judge in his capacity of magistrate, and chief of the native revenue servants in his capacity of collector, the greatest possible facility is given to that connexion to which Lord Ellenborough objects.

31. The first of the above extracts from Lord Ellenborough's speech will show what one of Her Majesty's Ministers was understood to have said, and to have said on the part of Her Majesty's Government, on the present question.

32. Now, what I very respectfully submit for consideration, with advertence to this debate, is this: If, notwithstanding the earnest endeavours of Lord Harris's Government, that separation of offices in Madras which has been held out as in prospect should not be achieved, because of some difficulties which cannot in the case of that presidency be got over, there would be even in this event great disappointment amongst those who interest themselves in Indian affairs at home. I am myself sure that no insurmountable, and, indeed, that no important difficulty in the way of the contemplated separation, will be found to exist at Madras; and I feel confident that Lord Harris's Government will propose the separation. If, however, I should be mistaken on this point, as no expectation has been held out of anything beyond a sincere attempt to make, if practicable, an unobjectionable change of system at Madras, which shall include the separation, no feelings beyond disappointment might be aroused. But if, whilst a measure of fundamental change involving this separation of offices is thus pending at Madras, the Government of India, itself divided in opinion as it is upon the abstract merits of the question, goes out of its way to make a fundamental change involving the union of these same offices in Bengal, where they are now separated; and where they were separated not twenty years ago, in consequence of the strong and unanimous recommendation of a Committee of distinguished and experienced officers, who carefully inquired into the working of the union, and with the concurrence of all practical mofussil men in and out of the service pronounced against it; then I think feelings beyond those of mere disappointment very likely to be raised.

33. I respectfully ask if the proposed decision of the question in Bengal is intended to operate as prejudging the same question in Madras? If this be the intention, I ask if the Government of India will not be in an awkward position, should Lord Harris's Government, as I believe it will, come up to us with a simple and unobjectionable project, based on general principles, for the separation of these offices at Madras, a week after we, on general principles, have united them in Bengal? In this case we must reject the project on the ground that we have prejudged the question. If this be not the intention, I ask if the Government of India will not be in an awkward position, should Lord Harris's Government come up in the same manner, driving us, a week after we have united the offices in Bengal, to separate them in Madras?

34. On

* See p. 989. † See p. 991.

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34. On the one hand, after all that has occurred at Madras and at home, I cannot see how the Government of India could dare to refuse the separation at Madras, if the Madras Government should demand it; on the other hand, I do not see how any such case, or any fair show of such a case of difference of circumstances can be set up, as would justify a simultaneous and contrary action at the two presidencies.

35. It is quite true, that, under the Bengal revenue system, revenue officers have not so much temptation to extract payment of revenue by unlawful means, as they have under the Madras system. But it is equally true that rent is every day extorted in Bengal by unlawful means; and rent is the mother of revenue. I should think it a very hard task to convince an English politician, that although the fact of ryots being tortured with impunity in order to extract payment from them has proved the necessity of disjoining the functions of police and criminal justice from those of the collector of revenue, where the ryot pays directly to the public treasury, the same fact does not make it undesirable to unite the same functions, where the ryot's money reaches the treasury through a middleman.

36. The natives have been torturing each other for three thousand years, just as they have been poisoning each other for the same period. When we are blamed because of the existence of these criminal habits, we are blamed foolishly and unjustly. We cannot justly be blamed, in a moral point of view, if we use every means in our power to bring these crimes to light, and to punish them, when they occur. And we cannot justly be blamed, in a political point of view, if we take all becoming pains to show the world that we are sincere in our abhorrence of these crimes, and in our endeavours to check them. In my view of the requirements of police and criminal justice* (and I view these matters as the mass views them, having no Indian or other theories to gratify), we do not justly escape blame, either in a moral or in a political point of view, so long as we confound police and criminal justice with the fiscal department of administration, subordinating, at least to all outward appearance, the former to the latter.

37. But if the Bengal revenue system is still thought a material distinction in favour of the union in Bengal, as a specialty, I would ask if Bengal has no specialties to be weighed in the opposite scale, in its thick population, its great general wealth, its high value of land, its large number of native nobility and gentry, each possessing immense wealth and power, its large number of European residents, planters, and traders, its vast internal and external commerce, with all the complicated transactions of its people, arrived at a stage of progress which, if it has not all the moral, has all the immoral qualities of the highest state of civilisation? Beyond all question, the union will be very distasteful to all those important interests, the existence of which in great strength forms the distinctive feature of Bengal.

38. The system whereby various functions, each of which is separate in other well-administered countries, are sometimes united in India, is represented in its most amiable view when it is called patriarchal. It is suitable and convenient as a temporary expedient in a new acquisition; and it is a necessary expedient in a poor and ill-peopled province of great geographical extent. It is a very silent system, and goes on with little trouble to rulers, so long as the remembrance of the ancient misrule lasts, and so long as few Europeans, or others who have been accustomed to a regular government, fall under its operation. It is a great favourite with those whose administration is known to the public only by their own reports of it. But it has its long undiscovered abuses and its sudden explosions; witness the Madras Torture Commission. Without, however, questioning the system, where it is appropriate, I ask if such a country as I have above described Bengal to be, is a fit country for a patriarchal experiment? For this system two parties are required: the sage and paternal ruler of a district and the dutiful family of subjects. Not to speak of the first requisite, I may safely deny that Bengal affords the last. One has only to read a native or English newspaper

* As a criminal judge, a magistrate's power extends to sentences of imprisonment with hard labour for three years.

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newspaper with a mofussil circulation, to see that those for whom such mental food is provided have no filial regard for Government officers. They are past the patriarchial epoch. What they ask for are good laws, well administered by as many functionaries as the country can fairly claim with reference to its general circumstances, and the taxes it pays. These classes want nothing from Government more paternal than this; less than this they will not accept, and all this they have a right to have. My mature conviction is, that they never can have this, unless incongruous functions are kept in separate hands, and every functionary is required to mind his own proper business.

39. On this whole question my strong opinion is that the Government of India ought not to pronounce in favour of the proposed union, until the same question comes up from Madras, and that even then it ought to take no step towards effecting such a union without a previous reference on the whole subject to the Honourable Court.

40. I have now recorded all I have to say on the general question; and I much regret that I have been unable to deal with the subject more briefly. As a point of mere detail, I have to call attention to the circumstance that there will not be money enough available to afford the collector-magistrate a subordinate officer as joint magistrate, as is proposed. A Bengal collector draws 23,000 rupees a year, and a Bengal magistrate draws 10,800 rupees a year, making together 33,800 rupees a year. From this aggregate sum deducting 27,000 rupees a year, the proposed salary of the collector-magistrate, there remains only 6,800 rupees, which would be inadequate for such an officer as is contemplated in the capacity of joint magistrate. These officers in the North-western Provinces draw 12,000 rupees a year. Nor can any general reductions of salary that may be made in consequence of Mr. Rickett's Commission be drawn upon for the difference; because such reductions would take full effect if things remained as they are; and a re-arrangement of things, which would prevent their having full effect, would be equivalent to an increase of expenditure. The plan I have ventured to propose in a former Minute, whereby the salaries of magistrates and collectors in Bengal would be equalised, and the number of the former reduced, has this advantage of detail, that it would be a saving of expense, independent of any general reduction that may result from Mr. Rickett's Commission.

41. Another point of detail to which I may call attention is, that, by the plan now proposed, all the joint magistrates who are to have the immediate control of the police (a duty requiring experience as much at least as the other duties of a magistrate) will be as young as the magistrates now are; for I suppose that the plan contemplates having joint magistrates wherever there is now a magistrate or an independent joint magistrate and deputy collector. The ground on which the Honourable the Lieutenant-Governor presses the union is the expediency of remedying the present evil of having very young men acting as magistrates. This is an abnormal state of things, arising partly from an unusual run of rapid promotion lately, but chiefly from the omission of the home authorities for many years past to supply more young men than formerly at the bottom of the service, in proportion to the increased number of higher offices which late accessions of territory have rendered necessary. These two causes are now both at an end, and in a few years the evil would be remedied in the natural course of things. In the meantime, however, it must be admitted to exist to an inconvenient degree. The plan now proposed will not remedy it, so far as the immediate control of the district police is concerned. The plan I ventured to propose before, as it would have reduced the number of magistrates to an equality with the number of zillah courts, would have had the advantage of increasing the experience of the youngest officer in immediate charge of the district police by three years or so, whilst it would have considerably more than doubled the average experience of magistrates; and it would have made the standing of the oldest magistrate exactly what it will be under the system of collector-magistrates now proposed.

42. *Union of the Functions of Superintendent of Police with those of a Criminal Judge.*—This, as a question of criminal procedure, is so peculiarly a subject for discussion in this Council in its larger form, when reinforced by the learning and local experience of its legislative members, that it is not necessary for me

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me to discuss it here. It will come up for discussion, in connexion with the new codes; I will, therefore, here indicate my views upon it very shortly. The one point for decision, as it appears to me, on which alone the whole question turns, is this, in which way is crime more certainly discovered, proved, and punished, and innocence more certainly protected: when two men are occupied, each as thief-catcher, prosecutor, and judge, or when one of them is occupied as thief-catcher and prosecutor, and the other as judge? I have no doubt that the principle of the division of labour has all its general advantages, and an immense preponderance of special and peculiar advantages, when applied to this particular case; and I have no doubt that if there is any real difference between India and Europe, in relation to this question, the difference is all in favour of relieving the judge in India from all connexion with the detective officer and prosecutor. The judicial ermine is, in my judgment, out of place in the by-ways of the detective policeman, in any country, and those by-ways in India are unusually dirty.

43. Indeed, so strongly does this feeling operate, perhaps unconsciously, upon the English minds of the honourable body of men from whom our magistrates are chosen, that in practice the real evil of the combination is, not that a judge, whose mind has been put out of balance by his antecedents in relation to the prisoner, tries that prisoner, but that the superintendent of police, whose nerve and honesty are indispensable to the keeping of the native police officers in order, abandons all real concern with the detection of crime and the prosecution of criminals, in the mass of cases, and leaves this important and delicate duty almost wholly, in fact, to the native darogahs. He does this instinctively, because he knows that he will have to sit on these cases as judge, and he feels that he cannot, with satisfaction to his own conscience, or even with outward decency, take an active share in both of his mutually repugnant duties.

44. If the combination theory were acted upon in reality,—if an officer, after bribing spies, endeavouring to corrupt accomplices, laying himself out to hear what every tell-tale has to say, and putting his wit to the utmost stretch, for weeks perhaps, in order to beat his adversary in the game of detection, were then to sit down gravely as a judge, and were to profess to try dispassionately, upon the evidence given in court, the question of whether he or his adversary had won the game, I am well convinced that one or two cases of this sort would excite so much indignation as would save me the necessity of all argument *à priori* against the combination theory. The real question is, not whether respectable European superintendents of detective police shall also be high criminal judges, with powers to try all but the most heinous cases, but whether you will have any respectable European superintendent at all effectively at the head of your detective police. The consequences of there being now no real check of a Europeon superior over the darogah in the detection of crime, and in the getting up of cases, are deplorable. The Lieutenant-Governor of Bengal appears to me to be less than just to our higher criminal courts, in the blame he casts upon them. There seems to me to be something inconsistent, after the stress laid on the youth of the magistrates, and the necessity of a change of system in order to substitute more experienced men, in supposing, when these youths and very much more experienced men differ, the youths to be generally in the right. It is the duty of judges to acquit all prisoners whose guilt is not proved, and this duty they perform without fear of man. That justice labours under heavy disadvantage, in a country where in many cases no quantity of mere swearing will in itself carry conviction to a sensible mind, is manifest. If, after making due allowance for this disadvantage, it is found still that crime too frequently escapes punishment, surely the remedy is not to complain of cool and disinterested men, who, upon their judicial oaths, acquit whenever they find no proof of guilt, but to apply ourselves to the root of the evil by doing what we can to stimulate the active pursuit of offenders, and to check false prosecutions, and, what is perhaps equally common, the getting up of false evidence against real criminals.

45. The Lieutenant-Governor's objections to this division of business, after the best attention I can give them, seem to me to be founded on imaginary evils. His Honor anticipates such extreme antagonism between the native police officer and the native judge as would be materially inconvenient. Under a

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moderately sensible European magistrate, controlled by an intelligent commissioner, who would not talk or act as if police peons and darogahs were infallible, and dispassionate judges were never right, I cannot see why there should be any such consequences. At any rate, if this be a valid objection, it is an objection to giving criminal powers to any moonsiff; but this deduction is inconsistent with the views of the Lieutenant-Governor himself, who would not refuse all moonsiffs criminal powers.

46. *Appointment of Public Prosecutors.*—This is a point not noticed in the papers before us, but it is intimately connected with the last question. Sir Arthur Buller mooted this subject the other day in one of our legislative sittings, when the code of criminal procedure was under discussion, and I believe his suggestion has met with general approval. I am myself convinced that the appointment of European officers to manage the prosecution of important criminal cases is indispensable to the success of any reform in our criminal procedure. The whole scheme of the penal code of the Indian Law Commissioners rests, avowedly, on the assumption that there will be a public prosecutor. I do not believe that code to be workable otherwise. The plan which I have before proposed provided for this duty, without additional expense to the State, by entrusting it to the magistrate, and his deputies and assistants. Under the plan now proposed, as well as under the existing system, either this great want must be left unsupplied, or a considerable additional expense must be incurred to provide for it. And even if the money is no obstacle, I do not know where the men are to be found.

47. *Vesting private Gentlemen with the powers of a Magistrate's Assistant.*—For the purpose of receiving complaints, or issuing warrants, or sending up prisoners to a criminal court, the powers of our darogahs are sufficient. The Ceylon system, simply, would be therefore inapplicable in Bengal. As petty criminal judges, these special assistants would have effectual powers, similar to, but less than those of a moonsiff under the new code. I see no objection to the proposed experiment.

48. *Conclusion.*—In conclusion, and by way of a summary of my recommendations, I will observe that the improvement of the quality and the large increase of the strength of our district policemen; also the augmentation of the pay of our district police officers of all grades; appear to me indispensable reforms, which it concerns the character of the British Government to introduce in Bengal forthwith. As these reforms would interfere with no ulterior arrangements that may be introduced, and as we know the general feeling of the Honourable Court to be in favour of very material reforms, all in this direction, as being, in the present state of the country, indispensable though costly measures; I should have gladly joined in a large measure of immediate progress, in secure anticipation of the approval of the Home Government. As it is, I respectfully concur in the proposed recommendation on these points to the Honourable Court. All the questions relating to judicial procedure discussed in the papers before us, must be considered of course in the Legislative Council, in connexion with the new codes prepared by the Law Commissioners in England. As to the question of creating collector-magistrates, which also is not wholly unconnected with the general question of criminal procedure, I am myself against the union, on general principles; and irrespectively of all opinions on the question generally, I think that no decisive step should be taken in relation to it, until we have before us the decision of the Madras Government on the same subject-matter; and even then that the union should not be carried into effect without the special instructions of the Home Government. I adhere to my original project of zillah administration, which, though it has yet found no favour, and is, I doubt, very open to improvement, I cannot help regarding as a project which promises to avoid all the experienced evils of our present system, without any unnecessary organic changes. By way of summary, I note here the zillah establishment as it would be under that project:—

Covenanted—European.

A zillah judge, with civil and criminal powers as at present.

A collector, having no functions other than those in the revenue department as at present, but on a reduced average salary.

A magistrate, having, as at present, no functions in the revenue department,

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ment, and having no judicial powers, but being chief of the police of the zillah, public prosecutor in heinous cases, and superintendent of the prosecution of all criminal cases in the zillah, on an average salary raised to the reduced amount to be fixed for the collector.

Covenanted assistants very much as at present. They should be available for assisting in all departments, as required, viz., in the revenue, civil, criminal, and police departments, and, as a rule, in the course of their training, should pass through all four.

Uncovenanted—Natives chiefly.

Deputy-collectors, with no powers of a deputy-magistrate.

Deputy-magistrates, with no revenue or judicial powers, to be located in the district away from the head station, each having one or more circles of thannahs under him.

Principal Sudder ameens, with both civil and criminal judicial powers, as proposed by the Law Commissioners. Where there is more than one in a zillah, one only to be located at the head station.

Moonsiffs of the first grade, with civil and criminal powers, as proposed by the Law Commissioners, the latter higher than those of a moonsiff of the second grade, to be distributed over the zillah equally, their higher criminal powers extending over their whole circle. Four thannahs, or so, under a moonsiff of the first grade, will form a circle.

Moonsiffs of the second grade, with civil and criminal powers, as proposed by the Law Commissioners, to be stationed throughout the zillah as at present; three moonsiffs, or so, of the first grade, and one of the second grade forming a circle.

Darogahs, as at present, one in each thannah.

Naib darogahs, of whom all but one to be located in charge of subordinate thannahs or pharees.

Jemadars, detective policemen, and native constables under the darogah.

Detachments of police corps under the deputy magistrates and darogahs, of whom at least one not inconsiderable body to be posted in each circle of thannahs.

(signed) *J. P. Grant.*

9 April 1857.

(Copy.)

MINUTE by the Honourable *J. P. Grant.* 27 Nov. 1854.

Punjab Report for 1851–52 *and* 1852–53.

Dated 27 November 1854.

I CORDIALLY agree with all that has been recorded by the Governor-General, in acknowledgment of the services of those officers under whose immediate administration the wonderful results of the first lustrum of our government of the Punjab have been achieved. Of the merits of Mr. John Lawrence, the Chief Commissioner, in connexion with these results, it would be very difficult to speak in terms of exaggeration. At the same time it will not, I think, escape the notice of the public (I am sure it will not escape the notice of the Honourable Court), that all these services could have been of little avail, but for the well-considered and prudent liberality with which the scheme of Punjab administration was originally devised, and has ever since been supported by the Governor-General.

The Punjab has been fortunate in the selection of its workmen; but its peculiar good fortune has consisted in this, that its workmen have not been required to make bricks without straw.

For 19 districts of moderate size, containing a population of something upwards of 10,000,000, 7 police battalions of foot, and 27 troops of mounted police, have been provided, at a cost of about 16½ lacs of rupees a year. Altogether, for the civil duties of this territory, 8½ battalions and 38 troops, consisting

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consisting of 12,000 men in organised bodies, are set apart. Besides these, for the same territory, there are about 10,000 men called detective policemen, maintained at a cost of about 8½ lacs of rupees a year, and all this is besides the old village chowkeydars, or watchmen of the country. Knowing this, I was prepared to hear that the extinction of dacoity, and of all crimes of organised violence, in the central districts of the Punjab, may be pronounced complete.

It is only by comparison that the strength of this police force can be tested. For about 30 very large districts in the Lower Provinces of the Bengal Presidency, containing a population usually estimated at 40,000,000, the number of policemen provided is little more than 8,000, at a cost of 4¼ lacs of rupees a year.* To these must be added, in order to show the whole physical strength provided "for the civil duties" of the Lower Provinces, a few hundred men, forming an organised body called the Behar Station Guard (which is a body corresponding with the Punjab police battalions), and probably the several jail and treasury guards who, I suspect, are not included in the return from which I have taken the number, of police burkundauzes in Bengal. Also, allowance must be made for from 3,000 to 4,000 men employed in the Punjab on frontier duty; military, rather than civil. But, all allowances made, the disproportion is enormous.

The leading journal of the world, in a laudatory notice of the first Punjab Report, asked why the rest of India was not equally well governed. That question touches us all. I have never been immediately connected with the government of any other part of India than Bengal; but with the Government of Bengal I have been, as secretary, closely connected. As far as Bengal is concerned, I think I have in the above figures sufficiently indicated what the true answer to that question is. And as the Government of India and the Home Government hold the purse-strings, if comparisons unfavourable to Bengal must in candour be made, when reading of the astonishing success of the youthful Government of the Punjab (and I, for one, confess that I cannot in candour avoid making such comparisons), I think I have in the above figures sufficiently proved that it would be very unjust to infer, from such comparisons, any comparative inefficiency in the Bengal workment, from its Government downwards, or any comparative inferiority in the law of Bengal, or in the theory or form of its administration.

27 November 1854. (signed) *J. P. Grant.*

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— No. 19. —

MINUTE by the Honourable *B. Peacock.*

Bengal Police, &c.

Dated 30 April 1857.

I CONCUR entirely with the Right Honourable the Governor-General as to the first proposal made by his Lordship, viz.: "that the police of Bengal be reorganised at once, without waiting for a plan applicable to the whole of India;" also as to the third proposal relative to the organisation of police. I do not think that any great benefit is likely to arise from increasing the pay of the present moburirs from an average of less than eight rupees a month to an average

	Number.	Cost.		
		Rs.	*a.*	*p.*
* Jummadars - - - -	670	62,633	8	–
Burkundauzes - - - -	7,601	3,62,850	–	–
TOTAL - - -	8,271	4,25,183	8	–

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average of upwards of 33 rupees a month. I believe that, as a class, they are wholly unfit for the duties intrusted to them, and that no increase of salary will ever qualify them for the discharge of those duties. I think that they should be altogether superseded by a new class of officers, to be styled naib darogahs, at the rates of salary proposed by the Lieutenant-Governor for the mohurirs. The naib darogahs should be chosen from young men of education, who, if the offices of darogah and of deputy magistrate be open to them, will probably be induced to accept employment as naib darogahs, in which they may be trained for the higher offices above mentioned. This seems to be, at least, one great object of the proposed increase of expenditure.*

If any of the present mohurirs are qualified for the duties, they may be selected for the employment of naib darogahs.

I concur in thinking that the salaries of the jemadars and burkundauzes should be increased as proposed; but I think that no police-officer under the rank of a naib darogah should be allowed to exercise the powers of a darogah, or to hold investigations, except in a case of emergency, in which they may be specially appointed for the duty. At present a jemadar is considered as the third officer at a thannah, and, in the absence of the darogah and mohurir, is authorised by law, without any special appointment, to exercise all the powers vested in a darogah. (Regulation XX. of 1817, Section 4, Clause 3). His Honor the Lieutenant-Governor considers that the darogahs and mohurirs are amply sufficient for all investigations of a serious character, and that, as regards cases of secondary importance, jemadars selected from burkundauzes, and receiving from 10 to 20 rupees per month, may safely be trusted to conduct the necessary inquiries. (Letter, 30 April 1855, No. 774, para. 31.) If the deputy magistrates proposed be appointed, I hope that it may be found unnecessary to authorise the jemadars to act as darogahs, or to make investigations, in any case; for I believe that great corruption and oppression are the consequences of the powers now vested in the lower classes of the police.

I doubt whether any salary less than 5 rupees a month will be sufficient for the burkundauzes. His Honor the Lieutenant-Governor proposes—

¼ at 6 rupees a month.
¼ at 5 „ „
½ at 4 „ „

I think that they, or at least such of them as are intended to act as preventive policemen, should be selected from men who can be relied on for courage and energy when opposed to such classes as the lattials. I agree with the Lieutenant-Governor in thinking that the burkundauzes should have promotion to look forward to as a reward for good conduct, and that they should be eligible for employment as jemadars.—Letter as above, No. 774, paras. 29 to 35.

I concur as to the 5th and 6th proposals of the Governor-General.

If the proposed number of deputy magistrates be sanctioned, there will be 200, which, after deducting from the whole number of thannahs those in the Sontal districts and in large cities, will give nearly one deputy magistrate to every two thannahs, or at least one to every two of the most important thannahs.

It appears to me, however, that the deputy magistrates, or, I would rather call them, deputy superintendents of police, should not exercise any judicial powers, as proposed by the Governor-General.† I think it should be their duty to superintend the police within their districts, and the investigation of all cases of crime committed therein, and, with the assistance of the darogahs and naib darogahs, to collect evidence, to take the depositions of witnesses, and to bind them over to give evidence; also to see that every case of crime committed within their districts is taken before the proper court for trial, with the necessary witnesses and evidence to establish the charge. They should communicate with the deputy magistrates of the adjoining districts, with a view to the apprehension of criminals, and with the superintendent of police of the zillah in which their own districts are situate; and the darogahs and naib darogahs should be bound to communicate to them every case of heinous crime committed within their respective thannahs, and should report to them whenever they have occasion to leave

* *See* Letter from Secretary to Government of Bengal, 30th April 1855, No. 774.
† *See* Proposal, No. 9.

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leave the thannah for the purpose of making investigation. These, and other duties connected with the prevention and detection of crime will require them to be constantly moving about their districts. The Lieutenant-Governor remarks—"I think that the proper size of a deputy magistrate's jurisdiction has not been unreasonably stated by an intelligent and experienced native friend, whom I consulted on the subject, as so much as the magistrate could go to one end of in his morning ride, and the other end in his evening ride."* This would probably comprise two or at most three thannahs. This is evidently impossible, when it is considered that the size of a thannah, according to regulation, is 10 coss square, which, if the district of a deputy magistrate comprised only two thannahs, would involve the necessity of a morning ride of 40 miles from his head-quarters to one end of his jurisdiction and back, and another ride of the same extent in the evening; but it shows that he should be constantly moving about his district.† If his own head-quarters and the two thannah stations subject to his jurisdiction were most favourably situate, he could not even visit each darogah's station every alternate day, without travelling at least 20 miles a day. To exercise judicial duties, a deputy magistrate ought to be stationary, or at least he should have fixed times for holding his court at particular places; otherwise, when a prisoner is sent up to him for trial, together with the witnesses, from a considerable distance, it may be found that, in the discharge of his police duties, he is at quite a different part of his station. Independently, therefore, of the objections so powerfully urged by our honourable colleague, Mr. Grant, against the union of judicial and police functions, I think it is impossible for the same officer to exercise any active superintendence over the police of his district, if he be expected to exercise judicial powers.

I therefore think that it will be better to have all judicial powers to be exercised by the Sessions Court, the magistrate, and the subordinate criminal courts, as proposed by the Law Commissioners.

The deputy magistrates, however, should be authorised to take the depositions of witnesses, and to submit their proceedings to the magistrate in all cases beyond the competency of the subordinate criminal courts; and in such cases the magistrate should be authorised to order the offender to be sent up for trial before himself; or, if the case be beyond his competency, to commit it for trial before the Sessions. This would greatly relieve witnesses in cases triable only by the magistrate and Sessions Courts—an object which it is most desirable to attain.

I have already written a minute upon the subject of the union of the offices of collector and magistrate. I still retain the opinion which I then expressed, that the two offices should not be reunited, if the magistrate is to continue to have any superintendence over the police of the district.‡

If the magistrate be relieved from all police duties, I do not think that the union of the offices of collector and magistrate will be so objectionable. I feel very great doubt, however, whether the collector will have time properly to attend to the judicial duties of magistrate if the new Sale Law be passed.

But whether the offices of collector and magistrate be held by the same person or not, it appears to me that the management and superintendence of the police in each zillah should be entrusted to a European officer, who should have no judicial or other duties, and should be required to be frequently moving about in his district.

This leads me to consider the second proposal of the Governor-General, viz., that the police be superintended, as at present, by the Commissioners of Divisions acting under the general control of Government.

I think it is very important that the police, in addition to the European superintendent in each zillah, should be subject to Commissioners of Divisions; but, as far as the police are concerned, I think it would be better that the divisions should be larger than those now entrusted to the Commissioners of Revenue. One superintendent of police for the whole of the Lower Provinces has been found insufficient; but I think that two Commissioners of Police, or three at most, would be fully able to discharge all the duties belonging to his office. I doubt very much whether it is necessary to continue the Commissioners of

* Minute on Police and Criminal Jurisdiction, para. 47.
† 22 of 1793, section 4.
‡ See Minute, dated 15th May 1856.

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of Revenue in the Lower Provinces of Bengal, with the exception of the Commissioner of Cuttack. Those commissioners were appointed under regulation I, of 1829, the preamble of which points out the defects which it was intended to correct.* Since that time many of the duties which those commissioners were intended to discharge have been transferred to other functionaries; † the North-western Provinces have been placed under a Lieutenant-Governor, and a Sudder Board of Revenue for those provinces has been appointed, and the duties of the Commissioners of Revenues, in respect of the determination of questions relative to the assessment of lands, so far as the permanently-settled districts are concerned, are absolutely nothing.

I think it is, therefore, well worth consideration, whether, of the eight Commissioners of Revenue in the Lower Provinces, seven might not be abolished, leaving the Commissioner of Cuttack alone, and substituting two or three divisional commissioners of police.

If this can be done, there will be a saving of four commissioners at 36,000 rupees a year each, and of their establishments, amounting, I believe, on an average, to 910 rupees a month, or 10,920 rupees a year for each commissioner; and possibly for the two or three commissioners of police a less salary than 36,000 a year, and less expensive establishment might be considered sufficient.

This saving ‡ would go a great way towards paying the zillah superintendents of police at the same rate of salary as is now paid to the magistrates.

I concur in thinking that the moonsiffs should be vested generally with criminal powers; and I am inclined to think that they may be trusted with the powers proposed by the Law Commissioners to be vested in subordinate criminal courts of the 2d class, viz., imprisonment for a term not exceeding three months, and fine not exceeding 200 rupees; but it appears to me that it will not be safe at present to entrust the native judges, or the subordinate criminal courts, with power of awarding punishment to the extent above mentioned upon summary conviction without appeal. That would be giving them greater power than is now vested in justices of the peace in England.§

If the regular courts of justice be authorised to try criminal cases to the extent proposed by the Law Commissioners, I think it will be scarcely necessary to invest unofficial residents of the interior with criminal jurisdiction; and if the proposed number of deputy-magistrates be appointed, I do not think that it will be necessary or advisable to invest such residents even with power of committing offenders for trial.

Upon this point, however, I would rather not express any positive opinion, until after the code of criminal procedure has been passed, and the official establishments for the administration of criminal justice and police have been finally determined upon.

30 April 1857. (signed)) *B. Peacock.*

— No. 20. —

No. 20.
Letter from the Secretary to the Government of Bengal to the Secretary to the Government of India.
30 April 1855.

LETTER from the Secretary to the Government of *Bengal* to the Secretary to the Government of *India*, Home Department.

Judicial.—No. 774.

Sir, Dated Fort William, 30 April 1855.

I AM directed by the Lieutenant-Governor to submit, for the consideration of the Supreme Government, the following propositions for the improvement of the mofussil police in these provinces.

2. Two

* Such as the principal duty of holding sessions of jail delivery, which has been transferred to the sessions judge.

† In 3d part of the recital of Regulation I. of 1829.

‡ 1,87,680 rupees a year.

§ In expressing this opinion, I wish to guard myself against its being understood to extend to trials before the Superior Courts and a jury.

No. 20.
Letter from the Secretary to the Government of Bengal, to the Secretary to the Government of India.
30 April 1855.

2. Two considerable defects in the police of Bengal are—

First. The unsatisfactory footing on which the village watchmen are now maintained; and

Second. The deficient number, and inadequate pay, of the regular police.

3. With regard to the village watch, local investigations have been in progress during the past cold weather, the results of which will be communicated hereafter to the Supreme Government.

4. With regard to the regular police, I am now desired to submit the following statements and suggestions:—

5. Up to the year 1843, the police darogahs throughout the Lower Provinces received salaries varying from 100 rupees to 25 rupees a month. Out of 508 officers of this class, 490 drew salaries of 30 rupees a month and under, and of these no less than 375 received only 25 rupees a month.

6. In 1843 the Deputy-Governor of Bengal, Mr. W. W. Bird, proposed to the Government of India to raise the salaries of the darogahs in the following manner, namely, 25 to receive 100 rupees a month each, 50 to receive 75 rupees, 100 to receive 50 rupees, and the remaining 333 to receive 25 rupees. This proposal was calculated to involve an additional annual cost of 74,371 rupees, and thus, it was observed, "a commencement would be made, at comparatively little expense, to supply those incentives to good conduct in the police, without which any improvement in the existing system has been found to be utterly unattainable."

7. The scheme was sanctioned by the Government of India, and its immediate introduction authorised. It was at the same time observed that while the President in Council "admits * the inadequacy of the existing rate of pay of darogahs, and the necessity for removing as much as possible so evident a cause of corruption amongst this class of police officers, by rendering their remuneration equal to their decent support, and by opening to them the reward of good service in advancement or promotion, he is very desirous that the principle of the arrangement should be carried still further, not only in respect to darogahs, but to other classes of police officers, and the Government will be prepared to approve the extension of the measure, if, in due time, it is found that the arrangement now sanctioned has tended to raise the character and insure the usefulness of those whom it is intended to affect."

8. The Honourable Court fully approved of the principle of increasing the pay of the police darogahs, and desired that it might be at once carried out to the full extent previously recommended by the Police Committee in their report of 1838, viz., that there should be fifty darogahs on 100 rupees, one hundred on 75 rupees, and the whole of the remainder on 50 rupees each.

9. This extended measure, providing for 527 darogahs, as shown in the margin,† was accordingly carried out at an increased annual expense of 2,13,871-9-0 rupees, and the establishment, as then revised, has been in force ever since.

10. As regards the "other classes of police officers," referred to in the Despatch of the Supreme Government of 1843, no steps have, up to this time, been taken to improve their position. Of such officers the most important are those termed respectively mohurirs and jemadars, one or more of whom is attached to each thannah,

* Mr. Secy. Davidson's letter of the 31st May 1843.

†

	On 100.	On 75.	On 50.	Total.
Regulation Provinces	44	88	337	469
Arracan	1	2	10	13
Assam	3	6	15	24
South-western Frontier	2	4	12	18
Cachar	0	0	3	3
	50	100	377	527

thannah, in addition to the darogah. The pay of the mohurir is rarely more than eight rupees a month, and often less; and that of the jemadar is about the same, though sometimes as low as four rupees. These officers are employed to assist the darogah, and are vested by law with the same powers as that officer, exercising them either in the darogah's absence from the thannah, or when deputed by the darogah on special duty, or when placed by the magistrate in charge of an independent jurisdiction.

11. It cannot fail to be perceived, that if a salary of 25 rupees was insufficient to secure the services of respectable and honest men as darogahs, a salary of 8 rupees a month (which is somewhat above the average) must be still more insufficient to secure the services of honest men as mohurirs and jemadars.

12. The position of these officers was brought specially to the notice of Government in 1853, in connexion with a very striking case, in which three persons who had been sentenced for dacoity by the Sudder Court, in 1851, to twelve years' imprisonment, were subsequently proved to be altogether innocent of the charge. When the innocence of the convicted men was brought to the notice of Government, the case was referred to the Sudder Court for report, and the following is an extract from Mr. J. R. Colvin's minute, from which it will be seen that the cruel injustice which was inflicted upon these innocent men, and from the full measure of which they were saved only by the merest accident, was believed to be mainly owing to the misconduct of the jemadar employed to conduct the inquiry.

13. "The best security," Mr. Colvin observed, "we can have for the correct and safe administration of justice, is in the doing all that gives reasonable hope of success towards employing an honest police for the instituting of inquiries, and collecting evidence in regard to crimes committed. It cannot be too often, or too earnestly impressed upon the Government, that it is not only the pay of the darogah of a thannah that should be made sufficient for respectability. The mohurirs and jemadars, who are and must be daily employed (as in this case) with independent powers, are excessively underpaid; Mr. Wauchope notices that the investigation in the present instance was held by a jemadar receiving six rupees per mensem. It cannot be matter of surprise that parties so paid, and exercising such great authority, under very little practical check, should be found to be open to temptation, and to lend themselves, as there is every ground to fear has been done here, to the gratification of private malice."

14. The above extract was forwarded by order of the most Noble the Governor of Bengal to the late superintendent of police, with a view to his reporting as to what measures he would recommend, so that the investigation of all heinous crimes might invariably be conducted by an officer of the rank and pay of a darogah.

15. Mr. Dampier's answer was briefly as follows, and the correctness of it cannot be impugned:—"I know of no method," he said, "which can be devised, by which the investigation of heinous crimes may not, under any circumstances, be entrusted to an officer below the rank and pay of a darogah, excepting by a very great addition to the number of those officers."

16. Mr. Dampier, it is to be observed, has on other occasions expressed his opinion as to the necessity of raising the pay of the mohurirs and jemadars, both as a measure of policy and of justice. Appended to this letter will be found extracts from his reports on this subject. Mr. Mills likewise, than whom there is no one whose opinion on the subject is entitled to greater consideration and respect, has thus referred to the matter in one of his circuit reports: "The whole police system needs a change; but to remodel it effectually, a considerable outlay and increase of expenditure must first be assented to by Government, and, until that be done, it is useless to occupy space with a description of the reforms which should be introduced. In the present system there is one great and striking anomaly. The pay of a darogah ranges from 100 rupees to 50 rupees, and that of a mohurir, who holds almost as many local investigations into crimes as the darogah does, and performs other equally responsible duties, is only eight rupees

No. 20. Letter from the Secretary to the Government of Bengal to the Secretary to the Government of India. 30 April 1855.

per month. I think that the police mohurir's pay should be raised at once to 20 rupees, and the jemadar's to 12."

17. In addition to what is urged above, the Lieutenant-Governor desires me to observe, that another consideration has arisen of late years, to which almost every officer who has been connected with the police administration has called the attention of Government.

18. The expediency of selecting an increased number of our native officials from among persons educated in English schools and colleges is now recognised, and, to a certain extent, acted on.

19. As regards the police department, Mr. Dampier issued a circular in May and June 1850, calling upon the magistrates of Bengal Proper to encourage men of education to come forward as candidates for police employ, and to address the heads of the different colleges and schools for the purpose of obtaining the names of candidates. In the course of last year a return was called for of the results of the above circular, and the replies of several commissioners on the subject have been received.

20. These officers are unanimous in opinion as to the result of the attempt, viz., that although the magistrates would be very glad uniformly to employ educated natives as darogahs, from the greatly increased degree of confidence which they would have in their integrity, as compared with the old class of darogahs, and, eventually, also in their ability and competence, as soon as they should have gained sufficient experience; yet that it is impossible, except in very rare and special cases, to appoint men to darogahships who have had no previous training at all in police duties, in the lower and less responsible grades, and that they cannot find educated men who are willing to accept the appointments of mohurir or jemadar, even with a specific promise of early promotion to darogahships, so long as the pay of those appointments is what it is at present.

21. It certainly seems to the Lieutenant-Governor that it is impossible to expect that young men who have passed several years in acquiring, frequently at considerable expense, the high class education given at our English schools and colleges, should accept the position of mohurirs and jemadars, as these appointments are paid at present, not only because the allowance is inadequate to provide them with the merest necessaries, but because those appointments will not be held in respect by their countrymen, whatever the character of the incumbents, so long as the low pay must perpetually give rise to the suspicion of its being eked out by dishonesty and corruption.

22. The other alternative, that of appointing educated men at once to the post of darogah, has, it appears from the Commissioners' Report on this subject, been frequently tried, but even under the ablest magistrates has been found not to answer, except in very rare cases of remarkable ability.

23. The majority of the commissioners have recommended that a salary of 30 rupees a month should be paid to the thannah mohurir, a somewhat lower rate being paid to the jemadars.

24. With a view to determine the lowest rate of pay which it is proper to assign to the class whose services it is desired to obtain for these important duties, an estimate is annexed in the margin,* of the actual expenses which it is believed that

* Food for himself and two servants at the very lowest scale - - 10 – – (a)
A cook - - - - - - - - - - - - - 3 – –
A man to fetch the bazar, look after his clothes, &c. - - - - 2 – –
Clothes, &c. - - - - - - - - - - - - 2 – –
Washing, barber, pans, &c. - - - - - - - - 1 12 –
Rent (average) of lodgings - - - - - - - - 1 4 –
Travelling expenses in moving about the interior of his thannah jurisdiction (for which he receives no allowance) - - - - - 5 – –
Total - - - 25 – –

(a) This is based on an actual estimate of the cost of the several items of expense on this head incurred by natives of the class referred to.

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that a native officer of the class and position referred to must absolutely incur. This estimate, it will be observed, leaves, out of a salary of 30 rupees a month, little or nothing for the support of his family; and as some of the items specified are below what would be necessary in many localities, it seems impossible to avoid the conclusion that the salary of a police mohurir should not, at all events, fall below, and probably ought, in some cases, to exceed, 30 rupees a month. The Lieutenant-Governor would recommend that there should be three rates of pay for mohurirs, viz., 30, 35, and 40 rupees a month.

25. The number of mohurirs now employed on each grade of salary in the Regulation and Non-regulation Provinces under this Government is given in the margin. It will be seen that out of the 522 officers of this class in the Regulation Provinces, no fewer than 485, or nearly 93 per cent., draw salaries of eight rupees a month and under.

26. The present annual expenditure on account of salaries of these officers for the Regulation Provinces only is 48,796 rupees. To raise their pay in the following manner, namely, one-fourth to 40 rupees a month, one-fourth to 35 rupees a month, and the remaining two-fourths to 30 rupees a month, would involve an annual increase of 1,62,524 rupees, or a total expenditure of 2,11,320 rupees. To raise the pay of these officers in the same manner in both Regulation and Non-regulation Provinces, would increase the annual expenditure from 61,828 rupees to 2,53,800 rupees, being an increase of 1,91,971 rupees.

27. The number of jemadars now employed on each grade of salary is shown in the margin.* Out of 783 officers of this class, 702 draw salaries of eight rupees and under. The annual cost of this force is 74,420 rupees.

28. The extent to which the pay of police jemadars should be raised must depend upon the settlement of the following questions :—

1st. From what class are they to be appointed? And,
2d. What are to be their duties?

29. The

* MOHURIRS.

Regulation Provinces.				*Non-Regulation Provinces.*			
1 at 20	20	–	–	10 at 20	200	–	–
6 at 18	108	–	–	1 at 16	16	–	–
1 at 16	16	–	–	7 at 15	105	–	–
6 at 15	90	–	–	19 at 12	228	–	–
3 at 12-5-4	37	–	–	29 at 10	290	–	–
2 at 12	24	–	–	5 at 8	40	–	–
16 at 10	160	–	–	8 at 7	56	–	–
2 at 8-5-9	16	11	6	21 at 6	126	–	–
193 at 8	1,544	–	–	5 at 5	25	–	–
20 at 7-8-0	150	–	–				
2 at 7-5-0	14	10	–	105	1,086	–	–
267 at 7	1,869	–	–				
2 at 6	12	–	–	627 persons monthly	5,152	5	6
1 at 5	5	–	–				12
				Annual Rupees			
522	4,066	5	6		61,828	2	–

† JEMADARS.

Regulation Provinces.				*Non-Regulation Provinces.*			
1 at 14	14	–	–	2 at 15	30	–	–
4 at 12	48	–	–	13 at 12	156	–	–
7 at 10	70	–	–	36 at 10	360	–	–
15 at 8-5-9	125	6	3	26 at 8	208	–	–
2 at 8-5-8	16	11	4	1 at 7	7	–	–
1 at 8-5-0	8	5	0	18 at 6	108	–	–
534 at 8	4,280	–	–	1 at 5-3-7	5	3	7
1 at 7-8-0	7	8	–	5 at 5	25	–	–
39 at 7	273	–	–				
2 at 6-4-4	12	8	8	102	899	3	7
73 at 6	438	–	–				
1 at 5	5	–	–	784 persons monthly	6,201	10	10
1 at 4	4	–	–				12
				Annual Rupees			
681	5,302	7	3		74,420	2	–

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29. The Commissioner of Rajshahye has recommended that the officers from whom it is desired to recruit the body of darogahs should all, in the first instance, be appointed to the grade of jemadars, and subsequently promoted to the grade of mohurir and darogah. The Lieutenant-Governor, however, thinks that this proposal is unadvisable, as it would deprive the burkundauze class, as a rule, of all hope of bettering their position, and, therefore, of that incentive to integrity and exertion which is at present so much needed. If the burkundauzes have promotion to look forward to, they will be efficient, instead of inefficient, and will be well content, while waiting for it, to receive a lower rate of pay than they otherwise would be satisfied with, and will be less likely to resort to corrupt sources of gain.

30. The mohurirships will, I am to observe, form a sufficiently large school for the darogahs, and the only material question is, whether darogahs and mohurirs, without the aid of the jemadars, will be sufficient for the higher and more responsible duty of holding investigations.

31. The Lieutenant-Governor considers that they will be amply sufficient for the investigation of all cases of a serious character; and that, as regards cases o secondary importance, jemadars drawn from the burkundauze class, and receiving a salary of 10 to 20 rupees a month, may safely be trusted to conduct the necessary inquiries. The jemadar's duty, however, as a general rule, ought not to be of this description, and his position requires rather the possession of a natural sagacity, conjoined with bodily energy and courage, than an education of any high order.

32. The Lieutenant-Governor would recommend that the jemadars should likewise be divided into three ranks in the same proportion as that proposed for the mohurirs, salaries of 10 rupees, 15 rupees, and 20 rupees a month, being assigned to each rank. The Lieutenant-Governor does uot consider 20 rupees a month to be too high a rate of salary to assign to a small number of this class of officers, because it is obvious that if the increase to the salaries of the mohurirs shall have the effect of inducing a superior class of persons to take office in that grade, it will become a thing of almost impossible occurrence that a jemadar—originally a burkundauze—should ever rise to be a darogah. If the proposed increase should be extended to both the Regulation and the Non-regulation Provinces, the annual expenditure on this account would be 1,29,060 rupees, being an increase of 54,639–14–0 rupees.

33. But however great the importance of the measures above recommended, the Lieutenant-Governor attaches little less importance to the improvement of the character of the ordinary constabulary, the police burkundauzes. The presence of the jemadars and mohurirs in the interior of their police jurisdiction is, at most, exceptional; but the burkundauzes are everywhere constantly moving over the whole of their thannah circle, so that acts of oppression or extortion on their part are felt in every homestead. Their power for evil, though on a smaller scale than that of the higher grades, is more extended in its range.

34. With the stimulus to good conduct which the hope of promotion to properly paid jemadarships will open to them, the Lieutenant-Governor is of opinion that it will be sufficient to raise one-half of the whole number of burkundauzes above four rupees a month, but he would have none under that amount. He would propose to pay one-fourth of the whole number at the rate of six rupees a month, and one-fourth at the rate of five rupees a month, the remainder receiving four rupees a month.

35. This rate of pay will be enough to enable a man of honest intentions to be honest. And there are, no doubt, certain emoluments which these men will always receive in addition to their pay, and which involve no actual corruption or dishonesty, such as presents at marriages, festivals, and the like, which may be reasonably taken into account in estimating the pay which they should receive.

36. The total number of police burkundauzes and their present scale of pay is

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is shown in the margin.* The annual cost of maintaining these 9,077 persons is now 4,37,382 rupees. If one-fourth of the whole number be paid at the rate of six rupees a month, one-fourth at the rate of five rupees, and the remaining two-fourths at four rupees a month, the total annual increase of expense, in both the Regulation and the Non-regulation Provinces, will be 91,998 rupees per annum.

37. The following table exhibits the financial result of the different changes proposed.

	Present Scale per Annum.	Proposed Scale per Annum.	Increase per Annum.	Remarks.
Mohurirs:	*Rs.* *a.*	*Rs.* *a.*	*Rs.* *a.*	
In the Regulation Provinces	48,796 2	2,11,320 –	1,62,523 2	
In the Non-Regulation Provinces	13,032 –	42,480 –	29,448 –	
Total	61,828 2	2,53,800 –	1,91,971 2	
Jemadars:				
In the Regulation Provinces	63,629 7	1,12,320 –	48,690 9	
In the Non-Regulation Provinces	10,790 11	16,740 –	5,949 5	
Total	74,420 2	1,29,060 –	54,639 14	
Burkundauzes:				
In the Regulation Provinces	3,75,336 –	4,59,564 –	84,228 –	
In the Non-Regulation Provinces	62,046 –	69,816 –	7,770 –	
Total	4,37,382 –	5,29,380 –	91,998 –	
Grand Total	5,73,630 4	9,12,240 –	3,38,609 –	

38. The outlay involved in these changes is doubtless considerable; and it is not to be concealed that it cannot be looked upon as a final outlay, for our police establishment in the Lower Provinces is not only ill-paid, but it is also even now numerically weaker than it should be, and it cannot but be supposed that, as trade and civilisation expand themselves throughout these provinces, covering them with lines of communication, and giving birth to a busy, energetic race of people, larger measures will be needed for the protection of property and the preservation of good order than now exist. Already this has been practically illustrated

* BURKUNDAUZES.

Regulation Provinces.	
58 at 5	290 – –
24 at 4–8	108 – –
7,421 at 4	29,684 – –
298 at 3–8	1,043 – –
51 at 3	153 – –
7,852	31,278 – –
Non-Regulation Provinces.	
5 at 6	30 – –
354 at 5–8	1,947 – –
160 at 5	800 – –
325 at 4	1,300 – –
298 at 3	894 – –
67 at 2–8	167 8 –
16 at 2	32 – –
1,225	5,170 8 –
9,077 Total	36,448 8 –
Annual Rupees	4,37,382 – –

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illustrated in the police establishments which it was found necessary to place upon the Great Trunk Road.

39. The immediate object of the outlay now proposed is to remove what has hitherto been a standing reproach of Indian administration in Bengal, and the Lieutenant-Governor would urge the matter upon the attention of the Supreme Government with an expression of earnest hope that a public measure which is, in his opinion, surpassed by no other in importance, may be recommended to the Honourable Court. The inadequate payment of the subordinate officers of police was one of the matters, it may be remarked, which formed the subject of investigation before the late Parliamentary Committee appointed to inquire into the operation of the Charter Act of 1834.

I have, &c.
(signed) *W Grey*,
Secretary to the Government of Bengal.

No. 21.
Extract from a Police Report of the Superintendent of Police, Lower Provinces.
24 Dec. 1840.

— No. 21. —

Extract from a Police Report of the Superintendent of Police, Lower Provinces, for the first Six Months of 1840; dated the 24th December 1840.

Part of 892d para. But these arrangements will have no good effect, if higher pay is not given to the persons composing the police, and more substantial rewards held out to them for general good conduct and particular cases of exertion.

893d. The pay of a darogah at present is 25 rupees per month, of a mohurir 8, of a jemadar 10. Now considering that these officers, the darogahs in particular, have to keep up a respectable appearance, to proceed at any time to any part of an extensive jurisdiction, and must, the mohurir and darogah certainly, be persons of education and capability of taking, following up, and judging of evidence, I think these sums will be admitted to be too low to render employment in the line a desirable object for a respectable man; those who do enter the service, enter it for the perquisites, and as no higher pay is to be obtained by any exertions or honesty of proceeding, they have nothing held out to them beyond occasional rewards, as an encouragement for good conduct. I recollect it used to be a common saying amongst the people about the courts, "that every darogah had his lotah and mat in the jail," meaning that the service was one most likely to lead to punishment, and in which a man anxious about his character would not enter.

894th. If our present system is to be adhered to, there should, I think, be two grades of burkundauzes at 5 and 6 rupees per month. The mohurirs, on whom all the details of the thannah fall, and who are responsible for keeping up with regularity all the books and statements, should receive 25 rupees, and after 10 or 15 years' service 30 rupees per month; the jemadars 12, and when in charge of a pharee or ghattee 15 rupees per month.

(True extract.)

(signed) *Hodgson Pratt*,
Under-Secy. to the Govt. of Bengal.

No. 21.
Extract from a Letter from the Superintendent of Police, Lower Provinces, to the Secretary to the Government of Bengal.
1 April 1845.

EXTRACT from a Letter from the Superintendent of Police, Lower Provinces, to the Secretary to the Government of Bengal (No. 646 A.), dated Monghyr, the 1st April 1845.

Para 5. I trust I may be excused if I bring to the notice of the Right honourable the Governor of Bengal, the miserable pay received by the mohurirs and jemadars of thannahs, who in many instances exercise the power and authority of the darogahs, and investigate cases of as great importance, are put to nearly the same expenses for conveyance when on duty, and are frequently in charge of considerable outposts. I have adverted to this in the 893d and 894th paras. of my police report for the first six months of 1840, and I feel sure that it will be requisite, if we wish to carry out reform in the police, to hold out higher salaries to these grades of officers, and also to have two grades of rank amongst the Burkundauzes, who, from their limited number, have very hard work to get over.*

(A true extract.)

(signed) *Hodgson Pratt,*
Under-Secy. to the Govt. of Bengal.

* I had a representation sent to me by the jemadars and burkundauzes of a district, urging their claim to some increase of salaries.

COPY of the DESPATCH from the Government of *India* to the Court of Directors of the East India Company, dated the 14th day of May 1857, with its several Inclosures, relating to the System of POLICE in the BENGAL PRESIDENCY.

(*Mr. Seymour.*)

Ordered, by The House of Commons, *to be Printed*, 21 *July* 1857.

[*Price* 1 *s.* 3 *d.*]

198—Sess. 2.

Under 16 *oz.*

EAST INDIA.

RETURN to an Order of the Honourable The House of Commons, dated 5 June 1857;—*for*,

COPIES "of a DESPATCH from the Court of Directors to the Governor in Council at *Madras*, on the Revision of the Assessment in *South Arcot*:"

"Of DESPATCH from the Court of Directors to the Governor-General of *India* in Council, on the Proceedings in connexion with the Meriah Agency in *Ganjam* and *Orissa*:"

"Of DESPATCH from the same to the same, on the Abolition of the Moturpha and Veesabuddy Taxes at *Madras*:"

"Of DESPATCH from the same to the same, on the *Hyderabad* Assigned Districts:"

"And, of Three DESPATCHES from the same to the same, in the Public Works Department, on the Budgets for 1855-56 and 1856-57."

East India House,
2 June 1857.

JAMES C. MELVILL.

(*Mr. Seymour.*)

Ordered, by The House of Commons, *to be Printed*,
8 *June* 1857.

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East India House,
2 June 1857.

J. S. Mill,
Examiner of India Correspondence.

CORRESPONDENCE RELATING TO EAST INDIA AFFAIRS.

Revenue Department, 18 July (No. 11) 1855.

Our Governor in Council at Fort St. George.

Revision of the Assessment of South Arcot, &c.

Para. 1. The letters noted in the margin* report to us the measures now in progress for revising the assessment of the district of South Arcot.

2. The two southern talooks, Manargoody and Chellumbrum, the small talook of Cuddalore, and some extensive jaghires which have reverted to Government, have never been subjected to a regular survey and assessment. The other ten (Hooloos) talooks, have been regularly surveyed, and the records are considered to be sufficiently accurate and complete to render a repetition of that operation unnecessary for the due revision of the assessment.

3. The arrangements proposed by you for the survey of the southern talooks appear judicious, and we doubt not that they will be efficiently carried out by Captain Priestley, whose services you are fortunately enabled to avail yourselves of at this juncture. The measures for organizing additional survey parties which have been entrusted to that officer will, it is hoped, greatly expedite the progress of the work, and will enable you at no distant period to commence proceedings in other districts where similar operations are urgently required.

4. We observe that you have agreed with the Board of Revenue in approving Captain Priestley's recommendation that "where several small fields come together, constituting an area not exceeding one acre in irrigated, and two acres in unirrigated land, they may be surveyed by his ameens in one, noticing however in the register the particulars of each small included field as per curnum's account." In other words, "the proposal is, that the total area of a few small fields should be plotted in the usual manner, but the component fields plotted within the scale by dotted lines, according to the measurement shown in the village accounts."

5. The Board explain that this arrangement has reference only to the professional survey, and they postpone coming to any decision on the subject of fixing a "minimum in a revenue point of view."

6. In the passage quoted in the margin,† the Board refer to the practice in this respect under the Bombay Presidency, and, although they have correctly stated the limitation of size in regard to survey fields, we believe that they are in error in supposing that any minimum "in a revenue point of view" was fixed for fields actually occupied by ryots, although the tendency of the rules is avowedly to favour the aggregation of the small fields, and to discourage the subdivision of those larger fields, which at the time of the survey constituted one holding.‡

7. With

* Letter, dated 1 November (No. 75) 1853; Letter, dated 17 October (No. 55) 1854; Letter, dated 6 December (No. 72) 1854.

† Para. 26. "The inconvenience of such minute fields was found so great in Bombay, that they actually fixed a limit to holdings, both in the revenue as well as a survey view. They would recognise no field less than what a single pair of bullocks could cultivate—(Bombay Papers, page 4, para. 15, and Rule 1)—*i. e.* the minimum size for unirrigated fields was fixed at 12 acres, and for rice lands 4. Garden land, it appears from the maps, might be much less."

‡ *See* Rule 7, at page 5, and Rules 5 to 9, at page 21 of Bombay printed papers, on the system of Revenue Survey and Assessment.

7. With regard to the question of connecting Captain Priestley's operations with the grand trigonometrical survey, which you have for the present decided in the negative, as being likely to lead to delay and additional expense, without adding to the value of the work for revenue purposes, we think that it would be well to consult the Surveyor-general of India before finally disposing of the subject.

8. We shall endeavour to meet your wishes to be provided with the services of a person acquainted with geology and agricultural chemistry, to be attached to the survey, for the purpose of reporting on the soils and mineral productions of the districts undergoing that operation, and of collecting specimens of both, one set to be preserved in each district, and another set forwarded for deposit in the Museum of Economic Geology at Madras.

9. With regard to the ten Hooloos talooks of South Arcot, it is observed by the Board of Revenue, that although from the year 1820, representations have been made by various Collectors as to the necessity of lowering the assessment, no decided measures have ever been taken to afford relief to the ryots.

10. The arrangements now proposed by the Collector, and sanctioned by your Government, are to be based on the existing survey classification of the lands, correction being applied to errors and frauds where they may, in the course of the revision, be ascertained to exist.

11. These remedial measures are summed up by the Board as follows:—

"Nunjah. 1st. To introduce a general single crop teerwah for all nunjah lands, an additional 50 per cent. being imposed when a second crop is raised by the aid of circar water.

"2d. To reduce the nunjah assessment 20 per cent. on the whole, as the lowest rate, which will have a sensible effect on the cultivation, the amount of reduction in individual cases being dependent on circumstances.

"Poonjah. 3d. To strike off the second crop teerwah, which was included in calculating the produce of some of the lands, and to fix the circar share at 33 instead of 50 per cent. of the gross produce; the reduction in individual cases varying according to circumstances, as in the case of the nunjah fields.

"Totacal. 4th. To abolish the distinction of totacal, and to bring the lands under the head of poonjah, placing those that have wells in the first tarum, and the others in those classes which will make them correspond with poonjah fields of similar soil and fertility."

12. We shall notice these proposed measures seriatim.

13. This rule* has been so far modified as to limit the imposition of the additional assessment to those nunjah lands only, which now stand on the register as "two crop," or "doubtful two crop," lands, leaving the rest of the nunjah cultivation subject only to the single assessment. We approve of this relaxation, but the question has been raised, whether it would not be expedient to extend it to all the nunjah lands without exception. The Board of Revenue observe, that the question is one requiring great consideration, both on account of the large amount of revenue involved in it, and the various forms in which a second crop is now taxed in the different districts. They admit that the system is unavoidably accompanied with some fiscal disadvantages, such as postponing and complicating the annual settlements, and rendering it necessary for the lands of the ryots to be continually scrutinized. The Board solicit that the revision of the South Arcot assessment may be allowed to proceed on the principle of levying an additional cess for a second crop, and they propose in the meantime to take the general question into their consideration.

14. To this suggestion you have acceded, with the proviso, that the consideration of the subject shall not be deferred to an indefinite period, but that it shall be recurred to at an early opportunity. If the question shall not have been already settled, we desire that it may be taken into immediate consideration, and the result reported to us.

15. When

* "To introduce a general single crop teerwah for all nunjah lands, an additional 50 per cent. being imposed when a second crop is raised by the aid of circar water."

15. When the question shall be again brought before you, we desire that you bear in mind that one of the main objects to be regarded in the revision and improvement of your revenue system, is the imposition of a fixed assessment on the land, with a view to the reduction within the smallest practicable limits, of the interference of the native servants with the operations of the cultivators. If the lands of a village have to be annually scrutinized with the view of ascertaining whether a second crop has or has not been raised by the application of circar water to a portion of them, it is manifest that a minute and harassing interference must be resorted to; and we would readily submit to some temporary loss of revenue for the purpose of getting rid of what we consider so great an evil. The general rules which we should lay down for your guidance in these operations are, that the assessment should be fixed on so moderate a scale, that it could be always paid in ordinary years, and that the ryots should be held liable for the revenue of all the land for which they should engage at the commencement of the Fusly; that remissions, if they cannot be entirely discontinued, should be restricted to seasons of extraordinary adversity; and that the only scrutiny which should be permitted, or would indeed in that case be required, should take place in such extraordinary years alone, when it might be necessary to ascertain what portion of the lands engaged for had necessarily remained unsown, or had proved more or less unproductive to the cultivators, with the view of equitably adjusting the amount of remission to be granted to the circumstances of the different cases.

16. This rule* has also been modified to the extent of authorising a reduction of 25 per cent. on the ten first tarums, or classes of irrigated land, and of 20 per cent. on the remaining six tarums. Sufficient reasons are assigned for this distinction, which, it is stated, will afford a greater measure of relief to the heavily assessed lands which have hitherto been least in request for cultivation, and, in its practical operation, will tend to equalize the assessment of the western with that of the coast talooks, the land-tax on the former being at present lighter than in the latter.

17. The abolition of the second crop teerwa† on dry lands seems to have been sanctioned by Government so far back as 1837, but never to have been carried into effect. With regard to the proposed reduction of the circar share from 50 to 33 per cent. of the gross produce, it is to be observed that the term "gross produce" has no reference to the produce of any particular year, but to the estimated produce of each field as recorded in the original survey accounts, which was converted into money at a fixed commutation price, for the purpose of ascertaining the amount of the assessment leviable by Government. The effect of the measure would, therefore, simply be a proportionate reduction in the existing assessment. The remission ultimately authorised was that of 33 per cent. on the eight first tarums, and of 25 per cent. on the four last, and we think that the reasons given for the distinction are satisfactory.

18. Totacal,‡ or garden land, will, under the operation of this rule, cease to appear as a distinct head of account. Any ryot, by digging a well on his poonjah land, can at once convert it into totacal, without being called on to pay any additional assessment, and the distinction will be of no practical advantage. In future revisions of assessment, the only distinction required will be that between irrigated (nunjah) and unirrigated (poonjah) land.

19. In connexion with these reductions, it has been resolved to abolish the minha, or allowance of 10 per cent. on the revenue now granted to certain privileged classes of cultivators. We agree with your Government in thinking that "these peculiar advantages or privileges rarely benefit the possessor, and serve only to maintain unjust and invidious distinctions."

20. We

* "2. To reduce the nunjah assessment 20 per cent. on the whole, as the lowest rate, which will have a sensible effect on the cultivation, the amount of reduction in individual cases being dependent on circumstances."

† "3. Poonjah. To strike off the second crop teerwa, which was included in calculating the produce of some of the lands, and to fix the circar share at 33 instead of 50 per cent. of the gross produce, the reduction in individual cases varying according to circumstances, as in the case of the nunjah fields."

‡ "4. Totacal. To abolish the distinction of totacal, and to bring the lands under the head of poonjah, placing those that have wells in the first tarum, and the others in those classes which will make them correspond with poonjah fields of similar soil and fertility."

20. We also entirely concur with you in approving the proposal of the Collector for the formation of a district road fund, by a rentcharge on the land of one anna per cawny on the actual cultivation, which, in ordinary years, will give an annual sum of 25,000 rupees. You are doubtless aware that, in the settlement of the North-West Provinces, a fund for this purpose was obtained by a contribution of one per cent. on the Government jumma, which the zemindars agreed to pay in commutation of the obligation which rested upon them to keep in repair the public roads passing through their estates. The mode of collection suggested by Mr. Maltby is probably, however, better adapted to the nature of the settlements prevailing generally in the districts under your Presidency.

Directions for Collectors of land revenue, para. 336.

21. We will conclude this portion of our despatch by expressing our high sense of the clear, complete, and satisfactory manner in which Mr. Maltby has placed the whole question of the assessment of the Hooloos talooks of South Arcot before you, and our satisfaction that, as a member of the Board of Revenue, he will be in a position to see that his recommendations, as approved and sanctioned by your Government, are fully and faithfully carried out by his successor in the district.

22. We have perused with much satisfaction the minutes recorded by your President, and especially that of the 16th June 1854, in which, with reference to the statements before him, that portions of the richest and finest lands under your Presidency have been thrown out of cultivation in consequence of the impossibility of paying the excessive assessment charged on them, his Lordship records his determination "to do his best, that not a day or an hour should be lost without endeavouring to apply a remedy to a condition of affairs so unnatural, and so hostile to the best interests of the Government, and of the entire population."

23. We fear that great and needless delay has been permitted to take place in regard to many instances of over-assessment, which have been brought to the notice of the Board of Revenue and of Government, although the existence of the evil has been admitted on all hands. We are aware that in many, and perhaps in most cases, the adjustment of the assessment of a whole district, or even of an entire talook, cannot be satisfactorily carried out without a preliminary survey. But there are also many other cases in which immediate relief might be given without the necessity of any such step. Some of these are noticed in Mr. Thomas's minute of the 23d of June 1854, in which he refers particularly to the state of the assessment of the dry grain talooks of Trichinopoly. The excessive amount and complicated nature of the assessment of these talooks are exhibited in the letter from the Collector dated the 2d December 1852 (appended to Mr. Thomas's minute), and although it would appear that a complete remedy cannot be applied without "an actual survey made for fixing the extent, classification, and assessment of the fields according to the productive capability of the soil," yet it is obvious that the extra cesses enumerated in his 9th paragraph, might be at once abolished without any such operation, and that their relinquishment would relieve the people of a burden equivalent to 6¼ per cent. on their present payments.

24. We would suggest that orders should be immediately issued for the abolition of these cesses, and also that you should call on the Board of Revenue to submit for your decision any other cases of a similar nature, which may now remain undisposed of on their records, and in which relief may be summarily afforded without waiting for the result of a regular survey, even if such a proceeding should be ultimately requisite.

Proceedings, 27 April 1854.

25. In commencing their review of the proposed measures for the adjustment of the assessment of South Arcot, the Board truly remark, that the question is, perhaps, one of the most important that has come before them for some time, inasmuch as they are definitely called on to pronounce an opinion as to its bearing on the condition of that district, and to what extent remedial measures should be afforded; the determination of which question, they observe, involves principles applicable to all districts. The remedial measures to be applied to South Arcot having been now decided on, and the general principles on which they should proceed having been in a great measure determined, there can be comparatively little difficulty in applying them to the circumstances of other districts,

districts, and we rely with confidence on your permitting no needless delay to occur in disposing of the reports which have been long before the Board in reference to revisions of assessment in any quarter. We allude particularly to such cases as that of Guntoor, which has been fully treated by Mr. Walter Elliot, the late Commissioner in the Northern Circars, in 1845; and to that of Kurnool, the condition of which, together with the required remedial measures, was brought under the Board's notice, by Mr. W. H. Bayley, when Commissioner in that district, in a report dated the 22d July 1843.

26. In the former of these letters * you have acquainted us with the reasons which have led you to direct the discontinuance of the separate reports hitherto furnished, on the annual settlement of the land and extra revenues of each district, and the preparation in lieu thereof by the Board of Revenue of one general report on the revenue administration of the whole of the Presidency for the year. The first of these reports (for Fusly 1262, or A.D. 1852-3), is transmitted in a printed form with your letter of the 22d November last, No. 66.

N.B.—The Fusly year closes on the 11th July.

27. We entirely approve of this change, by which the mode of reporting and reviewing the revenue administration of your Presidency will be assimilated, so far as the different nature of the settlement will permit, to the practice which has been for some years followed with advantage in Bengal and the North West Provinces. The desultory and unconnected manner in which the separate reports on the several districts have hitherto been submitted to your Government and to us, rendered them of little practical use, and we were altogether without any general view of the results of the revenue administration taken as a whole. In consequence of this alteration in the mode of bringing the results of the revenue management under our notice, we think it unnecessary to reply specifically to such of the separate reports on the land and extra revenues of the several collectorates, as are now before us, as we consider that a review of them in this fragmentary shape can serve no useful purpose, and as they are not of a nature to call for any definite orders, although we shall probably have occasion to refer to them hereafter for purposes of comparison.

28. The report now forwarded is incomplete, inasmuch as it does not comprise any details relating to the extra sources of revenue, and as the report of the Commissioner in the Northern Circars is given separately, the information contained in it, and its appended statements, not being incorporated with those furnished by the Board of Revenue for the remainder of the Presidency. These imperfections will, however, be removed in the report for Fusly 1263, which we trust will shortly be laid before us. We feel assured that the Board will use their best endeavours to cause the report to be regularly prepared and submitted to you at a period not later than that which you have named, viz. the end of the calendar year in which the Fusly to which it relates closes, even if it cannot be supplied some months earlier, a point to which we direct your attention.

Ending 11th July 1854.

29. The report itself is clearly drawn up, and contains very valuable matter for our information; it does not, however, appear to call for much remark beyond the expression of our satisfaction at the results which it exhibits. The total amount of the demand and collection, both of land and extra revenues, is given in the margin, and we observe that both exhibit some increase over those of the previous year. We notice also further evidence of progress in the revenue administration. The beneficial effects of the abrogation of the rule under which lands watered by private wells became liable to additional assessment, are represented to be already apparent; and it is expected that private capital will be freely laid out in improvements. The observations of the Board in paras. 16 and 17 of the report on the importance of maintaining an efficient system of irrigation, and on the means by which existing defects may be remedied, have our full concurrence, and will, we trust, be prominently kept in view.

		Rs.
Demand:—Land Revenue	- -	3,73,51,625
Extra Revenue	- -	1,08,59,573
		Rs. 4,82,11,193
Collections:—Land Current	- -	3,50,05,791
Subsequent	- -	16,95,876
		Rs. 3,67,01,667
Extra Current	- -	1,06,26,735
Subsequent	- -	2,28,959
		Rs. 1,08,55,694
Total Collections	- -	*Rs.* 4,75,57,361

30. You

* Letter, dated 1 September (No. 51) 1854, para. 2; Letter, dated 22 November (No. 66) 1854.

Letter, dated 1 September (No. 51) 1854.

30. You inform us that with reference to paragraph 10 of our despatch of the 2d June (No. 7) 1852, you have granted to the Board of Revenue general authority to reduce the assessment on lands in any individual instances in which it may be clearly shown to be excessive. We approve this arrangement, and we think that it would be desirable that the Board should submit to you periodically, an abstract statement in a tabular form, exhibiting the cases in which they had seen reason to exercise the power thus vested in them, and also of those cases in which over-assessment has been complained of, either by the Collectors or the people, and the reasons for which the Board have not thought it reasonable to accede to these demands.

31. In these paragraphs* you bring to our notice certain cases in which your instructions had been solicited as to the interpretation to be put on portions of our orders, directing the exemption from additional assessment of all lands improved at the cost of the ryots themselves. The instructions issued by you are conceived in a liberal spirit, and have our entire approval. Under them, the ryot will be entitled to enjoy the benefit of all improvements, whether of a temporary or substantial character, effected by means of his own labour and capital. The sole restrictions remaining are for the purpose of preventing the ryot from claiming exemption for wells dug in lands which can already be watered by an existing public work of irrigation, or for wells dug within 100 yards of existing works of irrigation, and liable to derive their supplies from thence. The Board of Revenue have been directed to watch closely the working of these rules, in order that they may be modified in the event of their being found to operate injuriously to the ryot, and to prevent his taking full advantage of the boon conferred on him under our orders. We have already expressed to you our desire that the rule of exemption should be absolute and simple, so that there may be no pretext for interference on the part of the native servants with the proceedings of the ryots in regard to the construction of wells. The limitations above noticed are so clear and definite, that we do not apprehend that they will lead to embarrassment. At the same time, if it shall be found that they tend to restrict the advantage which we intended by our orders to confer on the ryot, and to discourage the construction of wells in particular localities, without being absolutely required for the security of the existing revenue, we shall readily give our consent to their abrogation.

Letter, dated 23d January (No. 4) 1855.

32. In this letter you inform us of the measures which you have adopted with the view of abolishing the use of the Mahratta language in the provincial cutcherries, and in that of the Board of Revenue at the Presidency. Whatever may have been the causes which originally led to the adoption of Mahratta as the official language of revenue account, it appears certain that they no longer exist, and we entirely agree with you in thinking it most desirable that the use of a language which is not the vernacular of any portion of your Presidency, and the knowledge of which is confined to a small section of the public servants, should be at once abolished, especially as there do not appear to be any difficulties in the way which may not readily be surmounted. The village and district accounts must, we presume, be rendered in the vernacular of the districts to the Collector's office; but the accounts furnished by the Collector to the Board should, we conceive, be prepared in English, and the Board state that there is no obstacle to the immediate and entire substitution of English for Mahratta in their own office.

33. The simplification of the forms of account is also an object of great importance, and we are glad to see that this subject has been taken up by the Board with energy. The omission of the cumbrous details which have hitherto been inserted in the statements periodically submitted for your information, will enable the Board to furnish them shortly after the expiration of the periods to which they refer, and will thus render them of much greater practical value than they are at present.

34. There are some suggestions in your Minutes of Consultation of the 7th November last, the advantages of which we think to be somewhat open to question.

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* Letter, dated 22 September (No. 62) 1853, paras. 4 and 5; Letter, dated 24 January (No. 3) 1854, paras. 21 and 22; Letter, dated 8 August (No. 47) 1854, paras. 3 and 4; Letter, dated 22 November (No 67) 1854, paras. 9 to 11.

question. There can be no doubt that the substitution of English for native terms is desirable, whenever exact equivalents can be found for them; but this we apprehend is seldom the case. Your object we presume to be to convey to the mere English reader a clearer idea of the nature of our administration than he can at present obtain, in consequence of his ignorance of the Indian terms which are of frequent occurrence in official documents. We doubt, however, whether this end is likely to be advanced by the proposed means, and whether the use of English terms, which appear to convey an intelligible meaning, may not, in fact, have a contrary effect; for instance, you express your approval of the employment by the Board of Revenue of the English terms, wet and dry, instead of nunjah and poonjah, lands. The cultivable lands under your Presidency are generally distinguished as nunjah, poonjah, and baghayet, (in some districts different names being used), of which the ordinary English synonyms are wet, dry, and garden lands. But these words, whether in their native or English form, are employed in a technical and unusual sense, and can only be rendered intelligible to an uninformed reader by means of definitions which show that the words are applied to the different descriptions of land in respect to the sources from which they derive their supplies of water, whether from public works of irrigation, from the falling rains, or from wells sunk in the fields themselves. All native terms having a limited and local currency, should be carefully explained whenever there may be occasion to use them; but we doubt whether any benefit would accrue from the disuse of such as are in general acceptation, and of constant employment in official correspondence, and are perfectly understood by all concerned or interested in the revenue administration; and we are, on the contrary, rather disposed to think that the adoption of English words, which, in their ordinary sense, are not exact equivalents of the native terms which they are intended to represent, would be more likely to mislead the reader than to give him more accurate notions of the real meaning of the documents before him.

35. You have also proposed to discontinue the existing system of pointing off large sums by lacs and crores, and to introduce the English plan of notation; of pointing off the figures by hundreds of thousands and millions, at least in the reports and other papers printed by order of Government. The Commissioner in the Northern Circars observes, that the English plan might be adopted without difficulty in all statements submitted to Government; but that, in transactions with the natives, who are familiar only with the existing system of numeration, and in the district accounts, it would not be advisable to make any change; and we presume the same remark is equally applicable to the other portions of your Presidency. The use of one system of notation for the district accounts, and of another for the accounts prepared at the Presidency, could scarcely fail to produce confusion, and to lead to numerous errors of calculation and of transcription; and we do not see that any commensurate benefit would be gained. The existing mode of notation is quite familiar to those whose duty it is to deal with Indian accounts, and it has moreover the advantage that, at the sufficiently accurate exchange of 2*s.* the rupee, the crore represents precisely one million of pounds sterling.

36. The suggestion that each Collector should be supplied with a printing or lithographic press of a simple and inexpensive construction, for the purpose of striking off official papers for circulation, and blank forms for statements, &c., appears well worthy of consideration; and we shall give our attention to any recommendation which, after further inquiry, you may think fit to submit to us, with the view of carrying it into effect.

We are, &c.

(signed) *E. Macnaughton*,
W. H. Sykes,
&c. &c.

London, 18 July 1856.

Revenue Department, 17 September (No. 12) 1856.

Our Governor-General of India in Council.

Meriah Agency of Ganjam and Orissa.

Para. 1. We now reply to the letters and paragraphs noted in the margin,* reporting proceedings in connexion with the Meriah Agency of Ganjam and Orissa.

2. The reports and diaries from time to time furnished by the agency officers, continue to indicate a steady progress towards the final eradication of the barbarous practice of human sacrifice. Considering the great difficulties to be encountered, we are disposed to consider this progress satisfactory, and as rapid as, under the circumstances, could have been anticipated. The Meriah officers appear to have applied themselves to their duties with unremitting zeal and attention; their great experience and personal knowledge, which are of far greater weight than any theoretical rules or doctrines, led them to adopt a line of cautious and gradual inculcation of their views. Hasty measures and abrupt innovations would have been attended with considerable danger, and would rather have postponed than accelerated the attainment of the end in view, by arousing the fears and jealousies of ignorant and fanatical tribes, and combining them in hostility against the exertions of the agency officers.

3. Instead of this, it is satifactory to find that, generally speaking, the chiefs and leading men continue to give their adhesion and co-operation to the principles and measures of the agency. The Khond chiefs have taken a leading part in pledging themselves to abstain from Meriah sacrifices, and the example thus set will, it may be confidently hoped, act beneficially on those tribes whose opposition is scarcely overcome, or whose support and co-operation are but reluctantly yielded.

4. Measures of repression and punishment, however necessary they may be, should always be held subordinate to those of prevention. One of the most powerful among the latter class of measures is education, to which, together with the improvement of communications, and increase of intercourse with civilization, we can look with hope for the rescue of the Hill Tribes from practices which have their origin in ignorance and barbarism, and for the spread of enlightened and humane principles.

5. The attention of the Meriah officers has been directed to this important point, and their exertions have met with some success. We regret, however, to observe, that the progress of education received a serious check in Goomsur, which was partly attributed to the withdrawal of magisterial jurisdiction from the Khond Agent, and its transfer to the ordinary officers of police, whereby the influence and authority of the agency officers was weakened. On the urgent representations of Colonel Campbell, the agent, and Captain M'Viccar, officiating agent, supported by the recommendation of the Madras Government, you invested the officers of the agency with joint magisterial powers within the sphere of the agency, such powers being confined to cases of Meriah sacrifice and female infanticide exclusively, and to be exercised on the same principles as regulate the jurisdiction of officers in the Thuggee department. Under this arrangement the local officers will, we imagine, have no ground of complaint, and we trust that the Khond schools, which had unfortunately been almost entirely closed, will, after

* India Public Letter, 23 December (No. 95) 1853, p. 66, 75 and 76; Bengal Public Letter, 4 January (No. 1) 1854, p. 21, 22 and 23; India Public Letter, 10 February (No. 9) 1854, p. 69, 70 and 78; Bengal Public Letter, 15 June (No. 30) 1854, p. 18; India Public Letter, 18 August (No. 67) 1854, p. 99, 100 to 108; Bengal Public Letter, 28 September (No. 43) 1854, p. 10 to 12; India Public Letter, 27 October (No. 95) 1854, p. 46 to 49; Bengal Public Letter, 28 December (No. 53) 1854, p. 13 and 14; Fort St. George Political Letter, 27 February (No. 2) 1855, p. 14 and 15; Bengal Public Letter, 7 March (No. 4) 1855, p. 8; India Public Letter, 26 March (No. 22) 1855, p. 33 to 43; 27 April (No. 31) 1855, p. 39, 42 and 45; Bengal Public Letter, 4 July (No. 16) 1855, p. 10, 11 and 18; India Public Letter, 10 August (No. 66) 1855, p. 16 to 18, 36 to 41; Fort St. George Political Letter, 25 August (No. 66) 1855; 11 September (No. 13) 1855, p. 18 to 25; India Public Letter, 22 August (No. 70) 1855, p. 22 to 25, 31, 65 and 66.

after their reopening, have been carefully encouraged, and no means neglected for regaining the support of the people which had formerly been extended to them.

6. Tours of personal inspection on the part of the agency officers are calculated to lead to very beneficial results, and should be stedfastly adhered to. Not only do they afford the agency officers adequate means of forming an opinion on the condition of the country, but, by bringing the people into direct communication with the British authorities, and thereby circulating and diffusing a correct knowledge of the benevolent intentions of the Government, they will do much to remove suspicion and hostility.

7. We have perused the report of Captain M'Viccar, dated the 21st May 1855, forwarding a summary of the operations of the agency for the season of 1854-55, which is apparently the result of most careful investigation.

8. The tenor of this report is satisfactory, with the exception of the part relating to Bustar and Jeypoor. The former place is described as the headquarters of the Jennah Poojah, and Captain M'Viccar affirms that "human sacrifices have never ceased to be offered, despite all orders of the Nagpore Durbar and the several Residents at the late Raja's court." The real head of this zemindary is Laull Dologongona Singh, the uncle of the Raja, who appears to be a man of turbulent character, fanatical in the highest degree, and wedded to the superstitious rite of human sacrifice. The promises which he has on various occasions made to successive Residents have never been adhered to, and Captain M'Viccar does not anticipate that much good can be effected in Bustar until he is removed from authority, a measure which does not appear likely to be found opposed to the feelings of the people. We shall be glad to be informed of the measures taken in this matter.

9. The zemindary of Jeypoor appears to be in a thoroughly disorganised condition, and the zemindar nearly imbecile. In the 43d para. of his report, Captain M'Viccar observes, "In the low country of Jeypoor, I regret most unfeignedly to relate that human sacrifices prevail in almost every district. Here, as in Bustar, we have to deal with exclusively civilised and educated men, and not with semi-barbarous tribes, as in the hill tracts of Orissa. The former are not, in my opinion, deserving of the same consideration as the latter, and some sharper and severer measures should be adopted than we have ever yet employed amongst the wild tribes of the mountains."

10. Captain Owen was deputed by Mr. Smollett, the Agent in Vizigapatam, to inquire into the condition of the country. The evidence collected by Captain Owen tended to disprove the present existence of human sacrifices in Jeypoor; although there seems to be little doubt that the practice prevailed extensively a few years since. Nevertheless, with a view of putting an end to the anarchy in which this hill zemindary was plunged, Mr. Smollett, following the line of policy already advocated by Captain M'Viccar, recommended that Government should assume the direct management of the estate. The consent of the Raja had been previously solicited to the measure, but it was declined, the zemindar promising to conduct the affairs of his territory and family according to the views of the Agent. The Government of Madras, however, concurred in the propriety of assuming the management of the country, and measures were accordingly taken with the view of carrying into effect the suggestion of Mr. Smollett.

11. In your letter to the Government of Madras of the 18th July 1855, you express the opinion that the evidence was all against the supposition that the practice of human sacrifice by Hindoos existed in Jeypoor; that the practice of Suttee had not, until recently, been prohibited; and that the result of that prohibition should be awaited before adopting any further measures.

12. While admitting that the state of anarchy which prevailed in Jeypoor was a good reason for assuming the management of the country, you are of opinion that the step is serious, being likely to involve Government in a protracted jungle war, and being one which could not be retraced.

13. You therefore directed that no steps for assuming the management of the country should be taken for the present. Acting on these instructions, the Madras Government recalled their orders.

14. We trust, however, that no unnecessary delay will be allowed to take place in adopting such measures as may be necessary to suppress human sacrifice and infanticide, and to restore order in the district.

15. We observe with satisfaction that the total number of Meriahs rescued in the hill tracts of Orissa during the season 1854-55, was 46, of whom 21 were males and 25 females.

16. Lieutenant MacDonald's tour through the hill tracts of Goomsur, affords another exemplification of the beneficial effects of the personal visits of European officers on the people and native officials, and we entirely approve the orders of the Madras Government that Lieutenant MacDonald, or some other officer of the agency, should make such tours annually. The progress of education in these tracts appears to be very satisfactory; and we approve the measures adopted for extending it. The measures for facilitating traffic by the construction of choultries and wells, at a cost of 1,650 rupees, have our entire approval.

17. The schools recently established in these tracts will be placed under a native superintendent entertained for that purpose, by whom an annual report will be furnished. All measures relative to education in these districts should in future be reported in the educational branch of the Public Department.

18. Vigorous measures were very properly adopted for putting a stop to depredations in the Boad country, and the energetic conduct of Lieutenant MacDonald merited praise.

19. The survey operations in the tributary mehals appear to be progressing very favourably under Captain Saxton; the impediments alluded to in our despatch, dated 18th June (No. 14) 1854, being no longer in existence. The road to Sumbhulpore has been surveyed and partially opened, and it is expected to be available for traffic throughout its entire length during the hot weather of 1856.

20. The country appears to possess considerable mineral resources, and to be well worth a thorough scientific investigation. We shall be glad to receive some of the mineral specimens forwarded by Captain Saxton to Dr. Hunter, at Madras, as stated in the 4th para. of his letter, dated 23d September 1854.

21. In conclusion, we would express our high sense of the services of the Meriah agency officers, who appear to have shown great discretion and assiduity in the discharge of the important duties entrusted to them. It was with the deepest regret we received the account of the death of Captain Frye, an officer so earnest in this cause, and, as you remark, "whose labours have proved of such essential service to the cause of humanity."

We are, &c.

(signed) *W. H. Sykes,*
R. D. Mangles,
&c. &c.

London, 17 September 1856.

Revenue Department, 5 November (No. 17) 1856.

Our Governor-General of India in Council.

Mohturfa and Veesabuddy Taxes at Madras.

Para. 1. Your letter in this department, dated the 28th February last (No. 5), reports to us the final result of your deliberations on the subject of the revision or abolition of the Mohturfa and Veesabuddy (taxes on professions, trades, artificers, houses, &c.), under the Presidency of Fort St. George.

2. This question has been the subject of discussion and correspondence between the Government of Madras, your Government, and ourselves, for the last 12 years; and, after an inexcusable delay on the part of the Madras authorities in furnishing the information which had been repeatedly called for, the

the case was at length put in a shape sufficiently complete for decision in the proceedings of the Madras Board of Revenue, dated the 27th March 1848.

3. In a minute dated the 12th September 1848, Mr. Daniel Elliot reviewed the whole question at considerable length, and arrived at the conclusion that the admitted evils of the system might be eradicated to a great extent by a modification of the rates, and a change in the mode of collection; and he offered various suggestions with this object. In a subsequent minute, however, under date the 5th May 1853, he states that a further consideration of the question had induced a change in his views; and he avows that, "feeling more sensibly the difficulty of the proposed reform, and, indeed, almost despairing of the possibility of success in it, and being very strongly pressed by the consideration of the disadvantage that this Presidency will lie under, if it is left subject to taxes of this nature, from which Bombay has been relieved, and which do not obtain in Bengal, his opinion is now for the entire abolition of this revenue."

4. Mr. J. F. Thomas (Minute dated 23d April 1853) considers that "it is not practicable to find a remedy for the abuses which exist under it;" and, in the event of its abolition, does not doubt that the loss of revenue would, at no distant date, be made good to the State from the increasing numbers and prosperity of the non-agricultural classes. "Their advancing wealth," he says, "would extend the market and enhance the value of all products of the land, and better prices would then be obtained by the ryot, and greater stability be thus given to the land revenue. I should not hesitate, therefore, to counsel the entire abolition of the mohturfa taxes, in a financial point of view, as well as upon the ground of the evils and abuses inherent in them." Para. 4. Para. 20.

5. Of all the members of the Madras Government, the Governor alone (Sir H. Pottinger) advocates the retention of any portion of the mohturfa taxes. The admissions made in his minute of the 28th April 1853, go far, however, in our opinion, to nullify his conclusions; and the numerous modifications which he proposes would, if carried out, still leave many of the inequalities untouched, and most of the openings for abuse unclosed, as they exist under the present system.

6. These proceedings were laid before your Government, with a letter dated the 26th May 1853; but the matter was not taken into consideration till the 31st December 1855, when the Marquis of Dalhousie recorded a minute, in which, after explaining his reasons for delay in disposing of the subject, he expresses himself in the following words: "The mohturfa taxes, as a whole, are indefensible in principle. They are a direct tax upon humble industry. They press upon the poorest of the people. They press with an unequal pressure. They are felt sensibly; felt as an obnoxious burden; and they give unbounded scope to the worst of all the vexations which we see and detest, but cannot eradicate —the petty oppression of petty native officials." His Lordship accordingly came to the conclusion that "the mohturfa taxes should be abolished, wholly and unreservedly;" but, looking to the actual financial condition of the Indian empire, he suggested that their abolition should be deferred until the present extraordinary pressure should be removed, so as to admit of the revenue they produce being relinquished with safety.

7. Lord Dalhousie's views were concurred in by Mr. Dorin, but the three other members of Council, Mr. J. P. Grant, Mr. Peacock, and General Anson, pronounce in favour of their immediate abolition.

8. The mohturfa taxes were abolished in Bengal in 1793, and in Bombay in 1844; and even Mysore, in the heart of the Madras Presidency, is exempted from them. Their average net produce is from 11 to 12 lacs of rupees per annum.

9. The arguments in favour of the abolition of these taxes appear to us to be irresistible. They are confined to one Presidency, which is subject to at least as heavy a pressure of taxation as any other part of India; and, even there, whole districts and parts of districts, as well as particular classes of people, are entirely exempt. They are most unequally distributed over the districts subject to them, four only of the twenty collectorates into which the Presidency is divided, contributing Bellary. Cuddapah. Tinnevelly. Malabar.

ing upwards of half the total amount. The assessment is arbitrary, irregular, and undefined, resting (except as regards the veesabuddy of the Ceded Districts) on no law, but merely on ancient usage, and thus affording to the native officers employed in their collection ample opportunities of oppression and extortion, of which it is in evidence that they largely avail themselves.

10. We are perfectly satisfied that no modification of the existing system can be devised which would divest it of its objectionable character, and we accordingly convey to you our authority to direct its total abolition, at such time and in such manner as may seem to you expedient.

11. It has been suggested in the course of the discussion, that the mohturfa might be so regulated as to convert it into a house tax or an income tax, or into both combined. Such taxes, if fairly assessed, may be unobjectionable in principle; and, as Mr. Dorin suggests, some similar imposts may hereafter be found unavoidable as a measure of financial necessity throughout India. In the present case, however, any such conversion of the mohturfa taxes would be open to the fatal objection, that it would be continuing to subject the Presidency of Madras to a system of taxation, from which the rest of India would be free; but in thus relieving our native subjects from the payments of imposts which in their mode of collection under our administration have proved oppressive, you will bear in mind that, with the prospect of a reduction also in the amount of the land-tax, you will require to take into your immediate consideration the means of obtaining revenue from other sources, and to notify to those who derive advantage from the remission of the mohturpha, that such is the intention of our Government.

12. With respect to the suggestion of Mr. J. P. Grant, to which you have called our attention, for an increase in the rates of import duty at all the Presidencies, to compensate for the loss of revenue to be occasioned by the abolition of the mohturpha, we must observe that such a measure must be considered, if at all, on its own merits, and not in connexion with the question discussed in this despatch. Mr. Grant has inadvertently stated the general rate of import duty at $3\frac{1}{2}$ per cent. ad valorem, instead of 5 per cent., to which amount it was raised under our orders by Act IX. of 1845.

13. We shall communicate a copy of this despatch to the Government of Fort St. George, for their information.

We are, &c.

(signed) *W. H. Sykes.*
R. D. Mangles.

London, 5 November 1856.

Revenue Department, 6 May (No. 6) 1857.

Our Governor-General of India in Council.

Administration of the Hyderabad Assigned Districts.

1. With your foreign letter, dated 28 February 1856 (No. 24), you have transmitted to us a series of papers illustrative of the first year's administration of the districts assigned to us by the Nizam, under the treaty of 1853.

2. The "Memorandum" submitted by the Resident, the late Mr. G. A. Bushby, is so loose in its construction, so vague and unsatisfactory in its details, and so entirely deficient in the practical information necessary to enable us to form a judgment on the measures already taken or those hereafter to be pursued in regard to the administration of the assigned districts, that we are compelled to base our observations on the lucid and comprehensive note prepared by your secretary, Mr. G. F. Edmonstone, on which, together with the Marquis of Dalhousie's minute of the 27th September 1855, your instructions to the Resident, dated the 30th January last, were founded.

3. The

3. The assigned districts were in the first instance formed into five divisions, each under the superintendence of a Deputy Commissioner; viz.—

Northern Berar, Deputy Commissioner, Captain Bullock.
Southern Berar, ditto, Major Johnstone.
Western Districts, ditto, Captain Meadows Taylor.
Eastern Division, Raichore Doab, ditto, Major Hampton.
Western Division, ditto, ditto, Captain Balmain.

4. We propose to treat of the administration of this tract of country under the heads and in the order observed in your instructions to the Resident, premising that, owing to the omission of that officer to exercise any effectual control over the proceedings of the several Deputy Commissioners, there is an entire absence of uniformity in the measures pursued by those officers, always well intended, and generally to a great extent successful, for the protection of the interests of Government, and for the amelioration of the condition of the people, in the revenue, judicial, and police administration of their districts.

5. The state of anarchy and confusion in which the districts were found on their first occupation was such, as you rightly observe, as could not be "permitted to continue in any province under the administration of the British Government," and it was absolutely necessary that "some system of fiscal management should be devised, which, while it should put an end to all unlicensed exemptions and privileges, and secure a fair revenue to the State, shall, by the recognition of proprietary right in those who can establish a hereditary or prescriptive title, and by the protection of the interests of other cultivators of the soil, invest tenures in land with security and permanency under certain declared conditions, and shall restrict the demand of the State within reasonable limits, which shall not be subject to variation for a fixed term of years."

6. As a preliminary step to the full attainment of these desirable objects, you propose that there shall be a khusreh survey of the lands of each village, to be conducted by native measurers, subject to the subsequent check of a professional survey of the total village areas. The Resident desires to entrust the duty of measuring the village lands to the putwarries, and you appear to entertain his proposition favourably, though Captain Bullock and Captain Taylor (the only Deputy Commissioners who appear to have recorded any opinion on the subject), state that the putwarries are in general lamentably ignorant, and wholly unfitted for the duty. If this plan should be adopted, the experience of the qualified officers whom you have selected to fill the position of Deputy Commissioners, will enable them to apply usefully the services of such putwarries as may be found to possess accurate information and detailed records of accounts, and to set aside those who are really ignorant and unfit for the duties of their hereditary offices. It should be left to the discretion of Mr. Maltby to appoint for the temporary service, as many ameens as he may find to be requisite, but we hope that, notwithstanding the alleged ignorance and unfitness of the putwarries, he will find that they are not altogether without the means of imparting information of a description which it is indispensable to obtain before forming an opinion of the resources of a village or determining the proper form of its management.

7. The mode of settlement which you propose to introduce is the village system of the North-West Provinces, but without (at any rate in the first instance) the incident of joint and several responsibility for the revenue, and otherwise partially modified so as to adapt it to the existing state of things.

8. The village communities having survived the various revolutions through which the administration of the district has passed, appear still to exist throughout these districts in an imperfect condition, but without possessing, as it would seem, any conjoint or common interest in the lands of the village, which are held by the ryots individually. You propose that the lands should be classed according to the nature of the tenure on which they are held, whether by "meerasdars," "wuttundars," "moondkhurrees," (tenants having a right of hereditary occupancy, among whom you intend to include all those who shall have held the same land for twelve consecutive years), and "ooprees" (or tenants at will). The assessment is then to be fixed on each holding, or, if it be found practicable, on the aggregate of the holdings of each class; the total amount on

all the cultivated lands to form the fixed demand of the Government from the village for the term of the settlement (which is not in the first instance to exceed seven years), to be liable to no increase, and, ordinarily, to no reduction. This assessment is to be made "within such limits as shall leave a margin to cover the risks of a fixed contract, as well as a fair profit to the holders, and a proportion also of the net produce to provide for the remuneration of office bearers and other village expenses." To this assessment is also to be added a charge of one per cent. to form a road fund, and possibly, although it is not so stated, an additional one per cent. for educational purposes, as is proposed in the revised settlement of the North-West Provinces.

9. The assessment being thus completed, and the particulars recorded, each class of holders will be called on to nominate one or more of their number as their head man or representative, who is to be the medium of communication between his class and the Government officials, and whose duty it will be to realise the revenue, "in the recorded proportions," from each member of the class, "suing him, if need be, for arrears due." It has been already noticed that your proposal is "to fix the Government assessment on each several holding, or, if that be practicable, on the aggregate of the holdings of each class." If the latter plan be adopted, it is not shown how or by whom the demand is to be apportioned on the lands of the individual cultivators, so as to appear on the records of the settlement, or how the provision that "each cultivator is to be liable only for the demand assessed on his own land," is to be carried into effect. The collections, when made, are to be paid by certain fixed instalments into the local treasury; and an engagement for the punctual payment of the village jumma (including "an additional cess for the remuneration of the head man or representative of his class, and the village putwarree") is to be taken from the representatives jointly.

10. The next point to be considered is the disposal of the waste land, and this, as you observe, is neither a very easy nor an unimportant question. Since neither the village community as a body, nor the individual cultivators, appear to advance any claim of property in the uncultivated lands, they would seem to be at the absolute disposal of Government, in any manner which may be deemed most expedient. The only positive opinion which you express is, that "the Government shall not, within the term of the settlement, be entitled to enhance its demand upon a village, owing to the occupation and cultivation of waste," and you suggest as a desirable and fair arrangement, that the waste should be allotted to the several classes of occupants in proportion to the extent of their cultivated lands, to be held on the same tenure as those lands are held.

11. Adverting to the state of anarchy and confusion in which you describe these districts to have been when transferred to your management, we conceive that it may be practicable to establish, in some tracts of this waste land, a clear proprietary right on the part of the Government, without any infringement of the rights of any others.

12. Even in this case, however, it ought to be conceded in respect to waste lands situated contiguous to the cultivated land of a village, that such village shall possess as much as their existing stock will enable them now to break up, in addition to the area which every village community in India must have remaining waste, for the common pasture of their stock; or the quantity to be assigned, exclusive of the necessary extent of common, might be as much as the village community would engage to break up within a period of three years.

13. With regard to the remainder, we are very desirous that you should consider and report to us without unnecessary delay, on what terms the best calculated for the introduction of British capitalists, you are of opinion it might be practicable to dispose of it.

14. We should have had no objection, as an experiment, to sanction the alienation in perpetuity to any persons of substance and respectability of land belonging to the Government, upon condition of the application of a certain amount of capital to the cultivation of the most valuable products of the soil, although perhaps easy terms of long lease, such as for a period of 20 or 30 years, might at present attract British capitalists of energy and substance, but the

the districts of the Nizam, assigned to us by the treaty of 1853, do not belong to our Government, and, therefore, with respect to them we have not the power of alienation.

15. The intent and object of the proposed system appears to be (as seems indeed to be admitted by Mr. Edmonstone), an attempt to combine a ryotwar assessment with a mouzahwar mode of management, with the view of getting rid of the minute and inquisitorial interference with the affairs of the cultivators which the former system is supposed to involve. It is admitted that the village communities, although traces of them are everywhere to be found, are not in a sufficient state of completeness to allow of the enforcement of the rule of joint and several responsibility for the revenue, as is provided for in the North-West Provinces. As a substitute for this, however, it is proposed that the elected head men, who are to be representatives, not of the whole village, but of separate and distinct classes of occupants, should nevertheless engage jointly for the whole jumma; but as there is no community of interest, and each occupant (including, we presume, the head men themselves) is to be "liable only for the demand assessed on his own land," and no more, it does not appear how the whole jumma of the village is to be made good in the event of default on the part of individual occupants. We are aware that defaulters are to be liable to ejectment, and to the transfer of their interest by sale or otherwise, to any one who may be willing to liquidate the balance and engage for the land; but it may often happen, especially where unoccupied land exists to so large an extent, that no one will be willing to take upon himself the liabilities of the defaulter; and in this case, there seems to be no source from which the whole jumma of the village, for which the head men have engaged jointly, can be made up. Note, para. 63.

16. The proposed head men would in no respect take the place of the lumberdars of the North-West Provinces, who engage for and on behalf of the whole body of ryots, the whole body being jointly and severally responsible for the payment, in certain defined proportions, of the whole village jumma. They are rather in the position of the salaried officers on the Collector's establishment in ryotwar districts, who, while they collect the revenue from the cultivators, are not held answerable for defaulters. It would be desirable, and may be practicable, to arrange with the potail or other head man of the village that all collections should be made through him, and that so long as the jumma of his village is paid by the stipulated instalments into the local treasury, no interference on the part of the revenue officers would be permitted, and the ryots would be left to manage their affairs in their own way during the term of the settlement. This course might probably lead, in the end, to the voluntary establishment of a kind of joint responsibility among the ryots themselves. But where no such joint responsibility exists, and there is no communtity of interest and feeling among the cultivators, it appears to us impossible that cases of default in the payment of revenue, disputes as to the occupation of waste, and many other similar questions, can be dealt with satisfactorily without calling in the aid of the revenue officer.

17. We are therefore of opinion that the proposed scheme for the revenue administration of these districts has not received sufficient consideration, and that your object in revising it should be to construct one which shall be suited to the actual condition and requirements of the people with whom you have to deal, and which can be efficiently worked with the materials which you have at command, rather than with reference to the supposed merits or defects of the systems which have been adopted in other parts of India. All the revenue settlements which have been effected of late years, or which are in contemplation, have proceeded on the principle of determining, in the first instance, the amount to be demanded from the individual cultivators; and that point being fixed, it has been left to be decided, according to the usages, wishes, and circumstances of the people, whether, as a matter of policy or convenience, the collection of the revenue should be effected by a direct demand on the ryots themselves, as in Madras and Bombay, or by employing some intermediate agency, such as the representatives of the village communities or talookdars, as in the Punjab and the North-Western Provinces.

18. We do not desire by these observations to discourage you from attempting, if you should still consider such a plan of administration best suited to the cir-

cumstances of the people, to introduce a combined scheme of village management and ryotwar or fieldwar assessment into the assigned districts. We shall be anxious to receive the matured opinion of Mr. Maltby on the subject, after he shall have had sufficient time to make himself fully acquainted with the condition and circumstances of the country under his charge. We desire that you will furnish him, for his information only, with a copy of our despatch of the 17th of December last (No. 17) to the Government of Fort St. George, on the subject of the revision of the assessment about to be undertaken in the districts subject to that Presidency.

19. We entirely agree with you that the execution of the revenue settlement should be confided to a separate class of officers, to be hereafter appointed, and that this duty should not be added to the labours, already sufficiently arduous, of the Deputy Commissioners.

20. The next subject to which your instructions relate is the settlement of the huqs or perquisites of village and district officers, and the deh sadur, or village expenses.

21. We are not prepared to admit the correctness of your conclusion that the pergunnah offices (those of Deshmook, Deshpandya, &c.) were not in their origin hereditary, although it appears that they required in all cases, when under the sway of the Mahrattas, the confirmation of the ruling power. The right of investigating claims to offices of this description, and of confirming the claimants in their possession, when they are enabled to produce valid titles, has accordingly passed to our Government. The holders may appear to have long ceased to perform any real duty, but it should be ascertained whether this has arisen from the condition of anarchy which has been described having subverted the ordinary system of administration, or from the actual incapacity of the incumbents. The sudden discontinuance of their emoluments would be a harsh measure, and would probably plunge most of those who have hitherto enjoyed them into absolute poverty. We approve, therefore, of your having authorised the grants subject to your sanction, to all such as can prove the possession of office for a series of years (from 35 to 50), or whenever there may be reasonable grounds for abstaining from immediate deprivation of a provision for life, either in land or in money, equivalent to 5 per cent. on the revenue of the talooka, on which they possess a claim.

22. The remuneration to be assigned to the village officers (potails and putwarrees), and the amount to be allowed as deh sadur or village expenses, are to be inquired into and determined at the time of the settlement, by the officers engaged on that duty.

23. No information is afforded in these papers as to the extent or value of the lands held as jageer, enam, &c. We entirely agree with you, that all claims to exemption from the payment of revenue, as well as all claims to money allowances, should be investigated and decided with all practicable expedition. The cases of land held rent-free for service by the potails, putwarrees, and village servants, are to be reported by the settlement officers in classified lists, to be disposed of by the competent authorities, according to rules similar to those which were laid down for the guidance of the officers in the Punjab. All other claims are to be at once taken in hand by the Deputy Commissioners, and reported, with the opinion of the Resident, for your decision.

24. The instructions which you have issued for the establishment of the village and district police, on much the same system and scale as they exist in the Punjab, appear to us to be proper.

25. The immediate introduction of our police into the Surfi Khas jaghires, (estates of which the revenue management is specially reserved to the Nizam and his officers), has been properly directed, the cost of the establishment being chargeable to the revenues of the assigned districts. The importance of either inducing the Nizam to exchange these talooks for others not geographically incorporated with the assigned districts, or committing the fiscal management of them to our officers, the actual revenues being paid into his treasury, is so great, that notwithstanding the repugnance which his Highness is stated to have evinced to such a course, we agree in the propriety of your instruction to the Resident

Resident to open a negotiation, with the view of endeavouring to settle the question on one or other of those bases.

26. On the arrival of the Deputy Commissioners in their districts, it appears that they found no courts of any description for the administration of civil justice. Those officers immediately set themselves to supply this obvious and great deficiency, which was accomplished by the establishment of moonsiffs' courts. In the absence, however, of any instructions from the Resident for their guidance, the judicial powers entrusted to the moonsiffs, their mode of procedure, and even the law which they were to administer, differed in all the divisions.

27. This diversity of practice it was of course necessary to correct at once, and you have proposed to effect that object by abolishing the moonsiffs' courts, and transferring their powers to the tehseeldars, or officers holding that position in the assigned districts, to be exercised under rules similar to those which have been provided for the conduct of civil judicial proceedings in the Punjab. Before absolutely directing this change, we think it would have been well to have ascertained by local inquiry, whether the tehseeldars or other officers occupying that position in the assigned districts are, as a class, competent by their previous habits and acquirements, and by freedom from pressure of other duties, to discharge judicial functions, equally with officers of a similar rank in the Punjab.

28. The same want of uniformity has prevailed in the administration of criminal as in that of civil justice. You have defined the powers to be exercised by the Judicial Commissioner, the Deputy Commissioners, the Assistant Commissioners, and the extra Assistants; and you have directed the observance of the spirit of the Bengal Regulations, and the adoption of rules of procedure similar to those provided for the Punjab. The question of entrusting to the officers in the position of tehseeldars, authority to try criminal cases of minor importance, has been left for future determination. In finally deciding on the manner in which justice, both civil and criminal, shall be administered by the subordinate functionaries, we desire that the principles laid down in our judicial despatch of the 24th September last (No. 41), may not be lost sight of, and we would particularly call your attention to paras. 12 and 22 of that despatch.

29. With respect to jails, you propose that there should be one at the head-quarters of each district, sufficiently commodious to receive the whole of the annual average of prisoners, and constructed in all the districts on one approved plan. We trust that in erecting these jails, care will be taken to afford to each prisoner the space stated by the Medical Board to be absolutely necessary; viz. 500 cubic feet.

30. The question as to the language to be adopted for purposes of business and record is to be determined after the receipt of a report on the subject from the Resident, the information before you as to the existing practice in the several divisions not being sufficiently complete to enable you to arrive at a decision on that point.

31. As it is probable that, for some time at least, the revenues of the assigned districts will not be sufficient to supply the means of providing for their material improvement, it will be necessary for the British Government to advance the requisite funds. Jails, cutcherries and other edifices which are necessary for the transaction of public business must be regarded as part of the ordinary expenses of management, and as such are chargeable on the ordinary revenues. Some expenditure for the formation and improvement of the means of communication, beyond what will be supplied from the one per cent. road fund, will also be required. Should the British Government be called on to defray the cost of these works in the first instance, you propose that the amount should remain as a debt, to be recovered as the revenues improve, interest at 6 per cent. being chargeable until its liquidation.

32. Whether a different course should be pursued, as you propose, in the case of reproductive works, such as works of irrigation, requires further consideration. This, and all other questions connected with the ultimate adjustment of accounts with the Nizam, will be disposed of hereafter in the Political Department.

33. In the meantime we desire that distinct accounts may be kept of all expenditure on public works of whatever description. In regard to works of irrigation, or others of a reproductive character, we think that, in order to prevent the possibility of cavil or dispute hereafter, the increased receipts should not be taken, as has hitherto been the practice in the Madras district, in the form of an enhanced rate of assessment on the irrigated land, but in that of a distinct water rent, as is the case in the North-West Provinces. The ordinary assessment, which the land would bear in its unimproved condition, and the amount received as water rent, subject to the charges for establishments and repairs, should be shown in separate accounts, so that no doubt can exist as to the actual advantage derived from the construction of the works in question.

34. The instructions which you have issued relative to the medical school at Hyderabad, the erection of a hospital at the Residency, and the establishment of dispensaries in the assigned districts, have our approval.

35. The talook establishments vary materially in the several districts, both in the number of persons employed and in the rates of pay assigned to them. You have properly directed the Resident to submit fresh lists for your sanction, framed, as far as practicable, on the model of those which have been found sufficient in the Punjab.

36. In our Political despatch, dated the 5th March (No. 14) 1856, paras. 14 and 15, we sanctioned the appointment of a Judicial and Financial Commissioner, to control, under the general superintendence of the Resident, the civil administration of the assigned districts. You inform us, in your letter of the 17th June (No. 67), that you have appointed Mr. Francis N. Maltby, of the Madras Civil Service, to that office, and you transmit a copy of a resolution defining the powers to be exercised respectively by the Judicial and Revenue Commissioner and by the Resident at Hyderabad, the latter of whom must, under the terms of the treaty, superintend the administration of the assigned districts. The rules laid down for the guidance of the Commissioner appear to us to be judicious and proper.

37. The reduction of the number of Deputy Commissioners from five to four by the union of the two divisions of the Raichore Doab, at the salaries given in the margin,* so as to afford to you the means of promoting deserving officers, is approved, as is also the establishment of six Assistant Commissioners, and of 12 extra Assistant Commissioners, of which latter, six will be employed on the special duty of settlement officers.

38. We approve entirely of the abandonment (in common with all other frontier duties) of the puchetra, or frontier duty on salt. The salt thus imported has already paid the excise duty in Bombay, and ought not again to be subjected to taxation.

39. The retention of the abkaree, under improved arrangements, and the abolition of the mohturfa, are also approved. We have authorised the general abolition of the latter tax throughout the Madras Presidency (where alone it continues to be levied) in our despatch dated the 5th November last (No. 17) 1856.

40. The projected establishment of town duties for municipal purposes, and for the maintenance of a town police, in the manner which has been so eminently successful in the Punjab, is a measure which well deserves to be carried into execution.

41. The information furnished in the Resident's "Memorandum" as to the actual financial results of the first year of our occupation, and the probable results for the future, is so confused and defective, that we observe you have refrained altogether from alluding to those results in your review of that paper. Mr. Edmonstone, in his "Note," paras. 143 to 158, has striven to collect into one view the materials scattered over the "Memorandum" and it Appendices, from which some opinion on these points might be formed; but the materials are still

* One Deputy Commissioner at 1,500 rupees per month; two Deputy Commissioners at 1,200 rupees per month; one Deputy Commissioner at 1,000 rupees per month.

still so imperfect, that we can arrive at no more definite conclusion than that the revenues of the assigned districts will not, for some time at least, be more than sufficient to defray the charges properly debitable to them, and that no surplus applicable to the payment of the principal of the debt can for the present be expected.

42. The local revenue year had commenced some days prior to the transfer of the country to our officers, and the settlement, such as it was, had been made by the servants of the Nizam, by whom also a portion of the year's revenue had been collected. The Deputy Commissioners could, therefore, only endeavour to protect the interests of Government, and to collect so much as, with a due regard to moderation and justice, could be demanded from the ryots; and this object they appear to have exerted themselves actively, and with much success, to attain.

43. In conclusion, we have only to state, that we concur cordially in the thanks which you directed to be conveyed to the Deputy Commissioners (as named in para. 3), "for the zeal, the ability, and the industry with which they have laboured, under circumstances of great difficulty and of some discouragement," in the administration of the districts committed to their charge.

44. We take this opportunity of acknowledging the receipt of the paragraphs noted in the margin* relative to revenue arrangements in the assigned districts, which have been transferred to this department, but which do not now call for remark.

We are, &c.

(signed) *R. D. Mangles,*
F. Currie,
&c. &c.

London, 6 May 1857.

Public Works Department, 9 July (No. 16) 1856. Public Branch.

Our Governor-General of India in Council.

Para. 1. We now proceed to reply to the letters noted in the margin,† relating to the budgets of public works proposed for execution in the several Presidencies, and in the different divisions of territory directly subject to your Government, during the year 1855–56.

2. In your instructions to the subordinate Governments providing, in accordance with our orders on the subject, for the submission of the annual budgets, it was directed that the budgets should consist of two statements: the first containing projects of new works, for which, on account of the large amount of the estimated cost, the sanction of superior authority was specially required, and showing both the total estimated expense and the sum proposed to be expended on each work during the year; the second comprising all works which had already received sanction, whether from us, from your Government, or from the local Government, and exhibiting, in successive columns, the expenditure already incurred, that proposed for the year, and that expected to remain for future years.

3. We

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* Foreign Letter, dated 7 November (No. 95) 1854, p. 61; Foreign Letter, dated 16 March (No. 20) 1855, p. 60 to 62, 66 to 68, 74 to 76; Foreign Letter, dated 8 September (No. 51) 1855, p. 43 and 44; Foreign Letter, dated 22 November (No. 64) 1855, p. 62 and 63, 67 and 68; Foreign Letter, dated 2 June (No. 56) 1856, p. 93 to 95, 119 and 120.

† India Public Works Letters, dated 22 June (No. 16) 1855; dated 6 July (No. 20) 1855; dated 24 August (No. 25) 1855; dated 24 August (No. 27) 1855; dated 24 August (No. 28) 1855; dated 14 September (No. 30) 1855; dated 14 September (No. 32) 1855; dated 5 October (No. 34) 1855; dated 5 October (No. 35) 1855; dated 12 October (No. 36) 1855; dated 26 October (No. 38) 1855; dated 16 November (No. 40) 1855; Budgets of Public Works for execution in 1855–56.

3. We shall first review, in succession, the statements received by you under the above orders, and your proceedings on them, so far as relates to the works sanctioned, and to the amount of expenditure authorised; and shall then make such remarks as seem to be called for on the general question of the preparation and submission of these important documents.

Bengal.

4. Statement No. 1 of the Bengal Budget contained nine projects, involving an estimated cost of 33,51,298 rupees, or 28,08,298 rupees if the less expensive of the two designs which had been prepared were selected for the General Treasury building.

5. Under the opinion expressed by us as to the building referred to, the item was altogether struck out of the budget, and the same course was followed on various grounds with respect to the building for the Presidency College, and for the College of Civil Engineering, and to the metalling of the Tumlook Road. You sanctioned the expenditure noted in the margin* for the works specified, and retained in the budget, pending our orders, the new Post-office building (estimated at 3,23,782 rupees), and the road from Calcutta to Jessore at an estimated cost of 4,17,204 rupees. You will have learnt from our despatch dated 26th February (No. 4) 1856, that we have not sanctioned the design for the Post-office. We have provisionally approved the formation of the road from Jessore, contingent on the failure of any satisfactory railway project, and the amount may stand in the budget, subject to the revised estimate now under preparation.

4,17,204 rupees Jessore Road, 1,00,000 rupees.

Works in Statement No. 2, 33,82,966 rupees.

6. The amount proposed to be expended on the works contained in Statement No. 2 was 33,82,966 rupees; but the additions of the several heads show a discrepancy of 4,862 rupees from Lieut.-colonel Goodwyn's summary, which should not have been allowed to occur. This expenditure had all been provided for by previous sanction, except the 3,00,000 rupees to be spent on the Dacca and Arracan Road, of which, though the general design had been approved, no estimate had been submitted; and a large proportion of the sum of 6,67,372 rupees, the amount of proposed expenditure on the repair and extension of embankments. You very properly allowed this item to stand, and we approve your orders for the immediate preparation of estimates in the first case, and for the separation in future, as regards embankments, of the cost of repairs from that of new works.

7. The total amount to be expended in 1855-56 is thus on works newly projected, 1,97,434 rupees, and on works previously sanctioned, 33,82,966 rupees, making together 35,80,400 rupees †.

North-Western Provinces.

8. The new projects submitted for sanction in Statement No. 1 of the Budget of the North-Western Provinces consisted of eight works, estimated to cost 9,31,958 rupees, of which 5,24,445 rupees were proposed to be expended in 1855-56.

9. You have sanctioned, on what appear sufficient grounds, the works noted in the margin.‡ You reserved for consideration, in correspondence with the Bengal Government, the erection of new buildings for the opium agency at Ghazeepore, amounting to 40,000 rupees; and you have submitted for our sanction proposals for the construction of a bridged and metalled road from Meerut to Roorkee, for the bridging of the portion of the Great Deccan road already metalled,

* Estimated Cost.		To be Expended in 1855-56.
Rs.		*Rs.*
30,000	Custom-house sheds	30,000
34,000	Cutcherry at Pubna	34,000
33,434	Cutcherry at Bhaugulpore	33,434

† Total estimated expenditure on new works in Bengal in 1855-56, 35, 80,400 rupees.

‡ Estimated Cost.		To be Expended in 1855-56.
Rs.		*Rs.*
1,21,984	Wells on the Grand Trunk Road	71,000
83,860	Kylas Canal in Rohilcund	60,000
60,000	Mango Graft plantation on Ganges Canal	20,000
43,852	Raising and bridging road from the Jubbulpore to Kuttenghee	23,852

metalled, and for the raising and metalling of the remainder of that road between Jubbulpore and Nagpore.

10. We fully recognise the importance and economy of connecting Roorkee, from which the various departments in the North-Western Provinces are now supplied to so great an extent with tools and instruments, with the other districts of the Presidency; and we accordingly sanction the construction of the road projected with that object.* We have, as you remark, constantly evinced our sense of the importance of the Great Deccan Road, and our readiness to sanction any well-considered measures for its improvement. We authorise the construction of the bridges now proposed† on the portion of the line between Mirzapore and Jubbulpore; and we approve, under the circumstances, of the permission accorded to the Lieutenant-governor to proceed with the bridge over the Parry at Nuddee in anticipation of our orders. We observe that several large rivers on this road, which do not appear, however, to present serious obstacles to traffic, will still remain unprovided with bridges. We sanction the estimates for raising and metalling the portion of the Great Deccan Road‡ between Jubbulpore and Kamptee, and, in compliance with your request, we give you general authority to take measures for the bridging of this division, on the understanding that estimates are to be framed previously to the commencement of the work, and forwarded to us for final approval.

11. The intended expenditure on works in Statement No. 2, as per margin,§ is stated by you to amount to 24,72,308 rupees, including 8,00,000 rupees for military buildings, previously sanctioned in anticipation of the estimates, which you have requested the Lieutenant-governor to submit without delay. In an examination of the totals of this statement, we find that the total amount of estimates sanctioned is 24,14,594 rupees, while the amount expended is stated at 137 lacs, the discrepancy appearing to arise in great measure from the mode in which the expenditure on the Ganges Canal is entered in the statement. In the column also of "To be expended in 1855–56," eight lacs are inserted for tuccavee, and the eight lacs proposed for barracks are omitted: moreover, the addition of this column should be 24,72,308 rupees, instead of 24,71,708 rupees. This statement has the signature of Mr. Muir, the Secretary to the Government of the North-Western Provinces, but it never could have been properly verified.

12. The proposed expenditure in 1855–56, on works in Statement No. 1, has been shown to be 4,84,444 rupees; and that on works in No. 2 is taken at 24,72,308 rupees; the total amount to be expended is therefore, within the year, 29,56,752 rupees.‖ We observe that you are of opinion that a considerable portion of the expense in constructing the wells on the Grand Trunk Road may probably be "borne by wealthy natives, who will be glad to come forward with their money for the purpose, their names being recorded on tablets on the wells constructed at their expense." It is always our desire, as you are aware, that the natives should be encouraged to co-operate in works designed for the good of the country, and we have accordingly received with much gratification the above expression of your opinion.

13. In reference to the public works carried on in the Punjab, we have read with surprise and displeasure the following extracts from a letter, dated 22d May 1855, from Lieutenant-colonel Baker, secretary to the Government of India, in the department of Public Works, to the Commissioner in the Punjab:— Punjab.

"I am

* Estimated cost 2,19,625 rupees; Roorkee Road; to be expended in 1855–56, 1,00,000 rupees.

† Estimated cost 1,16,598 rupees; bridges on 1st division of Great Deccan Road; to be expended in 1855-56, 84,592 rupees.

‡ Estimated cost 2,50,848 rupees; raising and metalling 2d portion of Great Deccan Road; to be expended in 1855-56, 1,25,000 rupees.

§ Works in Statement No. 2, 24,72,308 rupees.

Total sanctioned.	Expended.	——	——
Rs. 24,14,594	13,70,714	24,71,708	2,43,236

‖ Total estimated expenditure on new works in the North-Western Provinces in 1855–56, 29,56,752 rupees.

"I am directed to state, that the Honourable the President in Council is desirous of having before him a statement of the monthly expenditure at present being incurred in the construction of public works in the Punjab; his Honor in Council being under the impression that the outlay on this account is very greatly beyond what the Government has any conception of, and beyond what the chief engineer in the Punjab can have the means of properly superintending."

Also, the following, being extract from the reply to the above, dated 4th June 1855, of Mr. Temple, secretary to the Chief Commissioner, to Lieutenant-colonel Baker:—

"From various causes none of the monthly or annual returns prescribed by the Government resolution of the 21st April 1854, have been received. The Chief Commissioner has had some difficulty in ascertaining accurately the current expenditure for public works since the establishment of the department on its present footing. Since January last, however, the chief engineer has rendered monthly returns of the assignments issued by him on the district treasuries in favour of the executive officers. From these statements the Chief Commissioner became aware that the expenditure was becoming excessive; and after some consideration, and inquiry, he arrived at the conclusion that some positive check on existing and contemplated outlays was called for. Consequently, on the 28th May, a letter* was addressed to the chief engineer, which, for various reasons given, prescribed, that for the present no assignment or letters of credit were to be issued without the previous sanction of the Chief Commissioner. A copy of this letter is appended, and that will explain all that the Chief Commissioner can desire to submit on the subject. Abstract schedules of assignments issued during the past year, and of the probable requirements of the department in cash for the next six months, are appended. A statement of the assignments for the past three months (that is, the quarter of February, March and April), also accompanies.† It will be seen that during the past year, just closed, no less than 94 lakhs have been disbursed, and that the chief engineer proposes to spend 58 lakhs more during the next six months. This latter amount will now, however, it is hoped, be greatly curtailed." And in a letter from Mr. Temple to Lieutenant-colonel Napier, dated 28th May 1855, he is reminded that between the 19th April 1854 and 26th May 1855, he had been called upon seven times for his estimates and monthly assignments, and that, "although a year has elapsed since the formation of your department, yet no such return has yet been received;" that in regard to expenditure the Commissioner "is not able to acquire any accurate or regular acquaintance with that part of the subject;" and further, that "the assignments which you have granted on your own authority have aggregated a very large sum, and their current monthly amount shows an increasing ratio. For several months past they have exceeded 10 lakhs per mensem, and risen even to 13 or 14 lakhs for works of all kinds, both civil and military. At its present rate, the expenditure of your department will be not less than a million and a half sterling per annum." It hence appears that very extensive works have been undertaken without previously well-considered estimates, and involving disbursements of so grave an amount as to entail financial difficulties; and that the chief engineer, Lieutenant-colonel Napier, has given letters of credit or assignments to his subordinates upon the local treasuries by his own authority; and when called upon by the Chief Commissioner for the returns prescribed by the Regulations, did not furnish them. In consequence, the Commissioner very properly had recourse to the stringent measure of directing the local treasuries not to pay assignments without his previous sanction, and he limited the maximum monthly disbursements to 5 lakhs, or 60 lakhs per annum.

* No. 525.

† | | *Rs.* | *a.* | *p.*
---|---|---|---
February 1855 - | 9,43,255 | 7 | 9
March „ - | 4,25,230 | 3 | 7
April „ - | 12,63,520 | – | –
TOTAL - | *Rs.* 26,32,005 | 11 | 4

14. We approve of the communications made by Lieutenant-colonel Baker, by order of the President in Council, to the Chief Commissioner, regarding the non-transmission of the estimates of public works in time for the budget. It is indispensably necessary that our orders on the subject should be rigidly enforced.

15. We observe that ample testimony is borne to the untiring zeal and ability of Lieutenant-colonel Napier; but a want of method in matters of account and finance, and a neglect of orders with respect to the important matters upon which

which he has been addressed, neutralise his qualifications as a public servant, and a continuance of such neglect will render it necessary for you to make other arrangements for the due discharge of the duties of his department, in conformity with the system prescribed by you. We must add, that we cannot acquit the Chief Commissioner in the Punjab from blame for allowing those irregularities in so important a branch of the local administration, and must express our surprise that the power of granting assignments on the local treasurers should have been at any time allowed to the chief engineer without control by the Chief Commissioner.

16. We now proceed to notice the proposed disbursements for 1855-56. The sum asked for by the chief engineer, Lieutenant-colonel Napier, was 1,00,49,534 rupees, and the proposed expenditure in 1855-56, on works already sanctioned or in progress, amounted to the sum of 95,79,534 rupees, classified by your secretary under the following heads:—Military works, 40,00,000 rupees; road operations, 30,01,011 rupees; canal works, 22,40,000 rupees; miscellaneous, 3,38,523 rupees. For a large proportion of these works no estimates had been submitted by the chief engineer, the operations progressing under the general sanction given to the projects, and, as seems likely in some cases, without any sanction at all.

17. In passing in review the sums put down for various works, many of these, it appears to us, are not of an emergent character, and in others, the cost appears very much disproportioned to the work:—

At Meean Meer, a central church, 40,000 rupees; Mooltan new fort, 2,97,496 rupees; Methan Kote viaduct, 1,00,781 rupees; Sealkote female hospital, Her Majesty's 27th Regiment, 80,000 rupees; Sealkote married barracks, 1,47,148 rupees: Sealkote permanent privies, 75,250 rupees; Peshawur school, serjeants mess, and canteen, 58,593 rupees; besides 6 lacs for barracks. Meean Meer, 12 single cesspool privies, 54,000 rupees; Kussowlie, four double-storied barracks, and one married men's barrack and hospital, 3,47,000 rupees; Dugshai prison cells, 62,324 rupees; while the new hospital is to cost only 12,929 rupees for medical staff and convicts. The total of the columns of the general abstract for estimates of works in Statement 7, is 1,91,60,570 rupees, and, as 100 lacs is asked for 1855-56, we infer that 91 lacs have already been expended on the several works. The Chief Commissioner says (4th June 1855,) that assignments upon the local treasuries by Lieutenant-colonel Napier in 1854-55 were 94 lacs, and for the months of February, March, and April, 26,32,005 rupees.

18. When the budget came before you on the 10th July 1855, its tabular form was that of 1854, which had been set aside by that of August 1854, and the number and order of the statements were irregular. You saw no reason to modify the decision previously pronounced as to the amount to be expended on public works in the Punjab, in any one year; and you accordingly fixed 60,00,000 rupees as the limit of expenditure for 1855-56.* The Baree Doab canal works, which had been sanctioned on regular estimate, were ordered to be carried on without interruption: on the Lahore and Peshawur Road, whose roughly estimated cost is a crore, or 4,000*l.* a mile, and on any other unestimated work it was decided that all operations, but such as might be indispensable, should be stopped till arrears of accounts of past works, and estimates for further portions, should have been completed; and the less urgent half of the military works was ordered to be postponed till the succeeding year. It was expected that by these means forty lacs of rupees would not be required, and that the total expenditure would thus be brought within the specified limit.

19. The works contained in the budget of public works for the Straits Settlements consisted of a new Protestant church, estimated at 1,20,932 rupees, or, by using convict labour, at 40,000 rupees; a new court-house, and a new Government house. Straits Settlements.

20. You

* Total intended expenditure on works in the Punjab in 1855-56, 60,00,000 rupees.

20. You sanctioned the estimates for the church and the court-house; postponed, in the absence of a plan and estimate, the project for a new Government house; and authorised the erection of a new post-office (at an estimated cost of 18,288 rupees),* stated to be greatly required, and only withheld from the budget by the Governor, on account of the greater supposed urgency of the other works.

21. No expenditure on new works previously sanctioned seems to be required in the Straits Settlements in 1855–56, and the total sum to be expended in that year is limited to 40,000 rupees.†

Pegu and Martaban, and Tenasserim.

22. You remark, that the statement forwarded by the Commissioner of Pegu "was incomplete as a mere list of works, and was useless as a financial statement, owing to numerous and important omissions." We greatly regret the impossibility of including in the general sketch of the expenditure proposed throughout India for 1855–56, the expected cost of the numerous and expensive works in progress in Pegu. We agree with you, however, that under the circumstances, a complete budget was not to have been expected; and we join in the hope that exertions will be made to introduce method and order into the department, and that full information may be supplied in next year's budget.

23. No works seem to have been in progress under the Commissioner of Martaban and Tenasserim, and no matured projects were submitted for sanction; and the Commissioner seems to think they will be confined for some time to roads and the electric telegraph. We observe that you have authorised a topographical survey of the country between Mergui and Moulmein, with a view to the formation of a first-class road throughout the length of the two provinces. Estimates for this work will of course appear in a future budget, should the project on examination be found to be practicable.

Nizam's Assigned Districts.

24. The statements submitted by the resident at Hyderabad were very imperfect, both as to substance and form; and as no engineering establishment has yet been organised for the assigned districts, complete returns were not to have been expected.

25. You very properly refused to sanction any considerable expenditure on roads, till the best lines could be selected by a competent engineer officer; and the works authorised for the year 1855-56, estimated in the aggregate to cost 1,31,432 rupees, consist for the most part of official buildings.

Madras.

26. The budget submitted by the Madras Government contained in list No. 1 of new works, a proposed outlay of 26,15,381 rupees, and in list No. 2 of sanctioned works, of 75,50,165 rupees, of which 32,84,498 rupees had been already laid out. It was proposed to expend on works in this list, in 1855-56, the sum of 34,49,705 rupees; and on those in list No. 1 of new works, it was proposed to lay out 17,09,475 rupees, making a total proposed outlay in 1855-56, of 51,59,179 rupees, with a future outlay of 17,21,769 rupees, making a total, with the amount already expended, of 1,01,65,446 rupees. In statement No. 1, twenty-four new projects required the sanction of superior authority, the greater number of them being of considerable importance, and their total estimated cost 26,15,381 rupees.

27. The sanction of two of the proposed works, viz., the formation of a direct road from Madras to Cuddapah; and the construction of an annicut for purposes of irrigation on the Huggry River, in Bellary, was postponed by you on the ground, as regards the first project, of the uncertainty as to the construction of a railroad in the general direction of Cuddapah; and as regards the second, of the

* Total Estimated Cost.		To be expended in 1855-56.
Rs.		*Rs.*
40,000	New church	20,000
35,000	Court-house	10,000
18,288	Post-office (assumed)	10,000

† Total estimated expenditure on works in the Straits Settlements in 1855–56, 40,000 rupees.

the incompleteness of the information which the Madras Government had been in a position to supply. You also declined to sanction an item of 1,00,000 rupees on account of Lieutenant Haig's expedition to the Upper Godavery. The amount seems to have been applied for, under a misapprehension or forgetfulness of the immediate objects of Lieutenant Haig's deputation, which, besides the execution of the small works specifically sanctioned on the recommendation of Major Frederick Cotton, were intended to be limited to examination and inquiry, as the basis of future operations. We are desirous that these preliminary objects should be accomplished in a thoroughly efficient manner, and funds should be supplied for the purpose. When it shall have been ascertained, after complete investigation, what results may be expected from operations on the bed of the river, and what the probable expense of such operations will be, you will then be in a position to decide under the authority we have conveyed to you on the plan which may be best adapted for carrying out the important object of rendering practicable the navigation of the river. In the meantime, we approve the tenor of your instructions to the Madras Government.

28. The projects noted in the margin,* amounting in the aggregate to 12,19,242 rupees, received your sanction, either under the ordinary powers vested in you, or under the general sanction given by us to the prosecution of particular works. Of the above estimate it was proposed to expend 7,73,585 rupees in the year 1855-56. In this amount is included the cost of the Palar and Adyar Canal, to which we gave our sanction in our despatch dated 29th December (No. 105) 1854, for which you seem to have approved an additional estimate, and which you directed should be added to this list of works. The projects enumerated seem likely to promote, in varying degrees, the objects proposed; and we approve the sanction given to them. We notice with peculiar satisfaction the intended improvement of the harbours of Coringa and Coconada, and we agree with Mr. Grant in anticipating great benefit from the application of engineering skill and experience to this class of works.

29. The works which, under the rules in force, you necessarily reserved for our orders are estimated to cost in the aggregate 12,11,941 rupees, of which 7,65,887 rupees were to be expended in 1855–56. They are enumerated in the margin,† and to all of them we readily give our sanction.

30. The

* Total Estimated Cost.		To be expended in 1855–56.
Rs.		*Rs.*
3,15,932	Irrigation and navigation works in central delta of the Godavery	2,00,000
1,99,930	Bridge over the Kistna Annicut, at Beywarah	1,00,000
62,838	Improvement of Coringa Harbour	62,838
84,639	Improvement of Coconada Harbour	84,639
49,060	Improvement of Palghât and Trichore Road in Malabar, with Bridges and Branches	35,000
52,083	Road from Calicut to Palghât Road	35,000
34,996	Gradual improvement of roads in Canara	34,996
50,000	Bridge over Punniar River on Southern Coast Road	25,000
30,743	Bridge over Hindree River at Kurnool, to connect the town and the cantonments	20,000
38,000	Bridge over the Coleroon on the Southern Road (estimated cost 1,30,000 rupees; contribution from Pagoda Funds, 92,000 rupees	18,000
36,112	Repair and strengthening of Nussarum Aqueduct in Rajahmundry	36,112
43,037	Additional sea groins on beach at Madras	22,000
2,21,872	Palar and Adyar Canal	1,00,000
12,19,242	*Rs.*	7,73,585

Rs.		*Rs.*
† 2,34,304	Canal between Toonee and Samulcotta	1,50,000
1,17,339	Canal from Samulcotta to Coconada	1,17,339
1,22,357	Junction canal from Mogultoor to Coconada	70,000
79,550	Channel from Roodoonair to Perikeed	79,550
1,34,834	Channel from Perikeed to Dendaloor	80,000
2,37,106	Prolongation of canal from Weegoor to Masulipatam	1,00,000
1,46,787	Canal from Kistna Annicut to Kurnool	80,000
1,39,664	Extension of canal from Doogoorauzepatam to Kistnapatam Back-water	89,000

30. The projects occurring first, fourth, fifth, and seventh in order, will form a continuous line of water communication 182 miles in length from Toonee, in the northern part of Rajahmundry, to Inganampadu, six miles south of Guntoor. This line will constitute a portion of the intended "East Coast Canal," the formation of which was suggested by a committee of engineer officers, to whom was entrusted, shortly after the arrival of Lord Harris at Madras, the task of selecting such public works as might seem most worthy of immediate execution in that Presidency. We reserve the expression of our opinion on this important subject till it comes before us in a more direct manner; but, in the mean time, we sanction the construction of the detached portions connected with the Kistna and Godavery works, as well as of the extension of the canal* from Doogoorauzepatam to Kistnapatam, which forms part of the same general design.

* No. 7 on list.

31. The second and third projects, are canals of navigation only, designed to connect the coast canal and the other channels in the Godavery delta with Coconada; while the prolongation of the Weegoor channel to Masulipatam, besides affording means of irrigation, will complete the water communication between Masulipatam and Ibrampatam, which we expressed our desire to see effected in our public despatch, dated 27 April (28) 1854. From the remarks of Lieutenant-colonel Baker it would appear to be doubtful, whether the double objects of irrigation and navigation can be effectually secured, to the extent hoped for by the Madras Government, in some of the channels: but there seems no reason to doubt that the respective works will prove highly valuable, even if Colonel Baker's views should be verified, and the advantages realized be limited to the primary purposes contemplated in their formation.

32. The proposed expenditure on new works already sanctioned, is shown in Statement No. 2, to amount to 34,49,705 rupees.† The total amount to be expended in 1855–56 on works in list No. 1, being 15,39,474 rupees, the whole anticipated expenditure of the year on public works, exclusive of repairs, would amount to 49,89,179.‡ The Madras Government believed that the means of effective superintendence would be available for all the works proposed for execution, but we trust you will have satisfied yourselves that these anticipations have been verified, and that for such a work, for instance, as improving the tidal harbour of Coringa, the aid of an officer of ability, and possessing qualifications suited to the peculiar character of the work, has been secured, before operations are allowed to be actually commenced. You will cause the Government of Madras to have a general sketch map, adverted to by the secretary to the Government of India in his memorandum of the 7th of May 1855, constructed without delay, and not less than 40 copies sent to us as soon as practicable.

Bombay.

33. The total cost of sanctioned works and new works is 1,02,33,555 rupees, of which it is proposed to expend in 1855–56, 32,30,489 rupees. The new works comprised in statement No. 1 of the Bombay budget, were fifteen in number, and their estimated cost was 18,68,580 rupees.

34. You thought it necessary to await further information regarding the opening out for cart traffic of the road from Peinth to Balsar, before submitting the project for our approval; and the same course was resolved on, with regard to the proposed construction of barracks and hospitals, for a regiment of European infantry, at Colaba. The scheme proposed by Mr. Frere for a boat canal to avoid a dangerous rapid on the Indus, near Bukkur, was considered by you too immature for sanction; you postponed a decision with regard to an artillery school at Ahmednugger, pending the settlement of a standard design for schools generally, and you declined to sanction the grant of 50,000 rupees to be used at the discretion of the Commissioner in Sind, in the execution of emergent public works, which was recommended on the ground of the shortness of the working season in that province, and the distance of the controlling authority. We are of opinion that sufficient grounds were shown in the correspondence submitted by the Government of Bombay, for vesting in the Commissioner

† Works in Statement No. 2; to be expended in 1855–56, 34,49,705 rupees.

‡ Total estimated expenditure on new works in the Madras Presidency 1855–56, 49,89,179 rupees.

sioner in Sind some special discretion, as regards expenditure on public works. Such a delegation of authority would be by no means new as a matter of principle, as the revenue officers, at least in the Madras and Bombay Presidencies, are at present authorised to incur expenditure, within specified limits, on works of public improvement. We think, therefore, that a similar discretionary power, to an amount suited to the circumstances of the province, might be conferred on the Commissioner in Sind, who should, however, be required to submit a half-yearly statement of the manner in which the power in question may have been exercised.

35. Your sanction was given to the works enumerated in the margin,* estimated to cost in the aggregate 4,07,472 rupees, of which it was proposed to expend 2,61,461 rupees in the year 1855–56. We approve the sanction given to the expenditure required to complete the road over the Deweh Ghât, and any remarks we may have to make on the proceedings in connection with the work will be communicated to the Government of Bombay. The proceedings of that government with regard to the church at Hyderabad, do not seem to have been in accordance with our orders on the subject of church-building generally, though the Government express an intention of seeking contributions from private individuals before finally carrying out the design. It is desirable that a full understanding should be come to, as to the sources from which the funds are to be provided, before any plan is finally approved by Government; and our orders, limiting the contribution of Government to the cost of a plain substantial building, and leaving all additional expense to be defrayed from private sources, must be constantly acted on.

36. The projects to which our sanction is solicited are limited to the construction of four bridges on the Poona and Nassuck Road; and a depôt for Government timber on the coast near Colaba to be formed on ground to be reclaimed from the sea for the purpose.

37. We sanction the construction of the proposed bridges on the Poona and Nassuck Road,† which is a line of great importance, and in which improvements have been effected to a considerable extent in recent years. As regards the timber depôt, which it is proposed to form at a cost of 1,74,074 rupees, the information before us, as to the inconvenience which has resulted from the want of such a depôt, or, as to the advantages of the particular plan recommended for supplying the deficiency, is not such as to convince us of the urgency of the work. With reference, therefore, to the present great demand for an enlarged expenditure on works of undoubted public importance, we desire that the formation of the proposed depôt may be suspended till further information on the subject has been placed before us.

38. The intended expenditure on the works comprised in Statement No. 2, amounts to 32,30,489 rupees; but in calculating the outlay on new works, 1,66,000 rupees may be struck off this sum, on account of "Extraordinary Repairs," which are included in the statement to an amount exceeding 2,00,000 rupees, of which it is intended to spend about five-sixths in 1855–56. The expenditure on List 2 would thus be reduced to 30,64,489 rupees; which, added to

* Total Estimated Cost.		To be expended in 1855–56.
Rs.		*Rs.*
30,686	Completion of the road from Humsour to Sassoor - - -	30,686
68,191	Improving and metalling a portion of the Agra and Bombay Road - - - - - - - - - - -	68,191
74,620	Road over the Koondalaree Ghât, between Surat and Mulligaum - - - - - - - - - -	10,000
39,528	New church at Hyderabad, in Sind - - - - -	25,000
28,514	New custom-house at Kurrachee - - - - - -	28,514
34,070	Altering European Barracks at Belgaum - - - -	34,070
72,265	New Barracks for the married soldiers of artillery at Ahmednuggur - - - - - - - - - - -	35,000
59,598	Alterations in the Artillery Barracks at Ahmednuggur - -	30,000

† Total estimated cost 1,65,613 rupees; bridges on Poona and Nassuck Road; to be expended in 1855–56, 1,41,413 rupees.

to the amount in List No 1, sanctioned by us, and by your Government, makes a total sum of 33,67,363 rupees to be expended on new works in the Bombay Presidency in 1855-56.*

39. The summary given in the margin † shows the total amount of the proposed expenditure in all the Presidencies, as stated by us in the preceding paragraphs, which, except as regards the Punjab, is all on account of new works. We have not included any sum on account of Pegu in this summary, on account of the opinion expressed by you as to the character of the statements received by the Commissioner. We observe, however, that in the statement drawn up in the office of your secretary, of the probable expenditure in 1855-56, the outlay on works in progress in Pegu is assumed at 30,00,637 rupees, which will raise the total amount to 2,40,64,331 rupees.‡

40. This amount differs to a considerable extent from that (2,47,48,219 rupees) exhibited in the statement of the prospective expenditure on new works in 1855-56, which was forwarded in your letter, No. 36, of 1855. The discrepancy may in part be accounted for by the statement in question, including all the sums recommended by you for our sanction, some of which, either under previous orders, or under those contained in this despatch, will have been struck out of the budget. We observe, however, that there is included in the statement the estimated cost of the enlargement of the opium agency buildings at Ghazeepore, which you stated in your orders on the North-Western Provinces' budget to be still under consideration, and that among the works stated to be sanctioned in the Straits Settlements, there is apparently inserted the cost of the new Government house, which was expressly reserved by your orders for the budget of the succeeding year. The amount of the expenditure said to have been recommended for our sanction under the head of the Public Works department in the Bombay Presidency, is also stated at a much higher sum than is borne out by the budget. With these manifest inaccuracies in the statement which you have forwarded, we must assume that the result at which we have arrived from our own examination of the budgets, and your proceedings thereon, is substantially correct.

General Remarks.

41. It was not practicable to observe in the preparation of the budgets which we have now reviewed, the orders on the following points, contained in our despatch, dated 20th December (96) 1854, on the new arrangement of the Public Works department for Madras, and which orders should be made applicable to all the Presidencies:

1st. The assignment of a fixed annual sum within which the expenditure on public works shall be confined.

2dly. The submission of a full report by the controlling authority in the department of Public Works, of the capabilities and requirements of the territory under its care, as to works of public improvement.

3dly. The calculation of the cost of ordinary and extraordinary repairs of public works, a statement of which is to be submitted to the Government of India for information, each year.

42. It will, probably, be some time before a judgment can be formed as to the annual sum which should be set apart for public works in each Presidency. We

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* Total estimated expenditure on new works in the Bombay Presidency in 1855-56, 33,67,363 rupees.

†

	Rs.
Bengal	35,80,400
North-Western Provinces	29,56,752
Punjab	60,00,000
Straits Settlements	40,000
Assigned territories of the Nizam	1,00,000
Madras	49,89,179
Bombay	33,67,363
Rs.	2,10,33,694

‡ Pegu, 30,00,637 rupees; total estimated expenditure for all the Presidencies, 2,40,64,331 rupees.

We desire, however, that you report to us your opinion on the subject, when sufficient knowledge as to the wants of each division of territory may have been acquired.

43. We desire that our orders for a report on the works required in each Presidency, founded on a comprehensive view of its "capabilities and requirements," may be complied with as soon as practicable. The Bombay Government forwarded to you a sketch map, containing a system of roads, which the chief engineer of that Presidency proposed to make the basis of his future operations, but this does not in any way meet the object in view. The subject should be seriously and deliberately considered by the officer at the head of the department of Public Works, in consultation with the other departments of the administration. The conclusions to which he may come should be brought under the review of the local government, on whose responsibility the plan, with such modifications as they may deem fit, should finally be submitted to you. When such a scheme, embracing not only the means of land communication, but all other branches of public works, shall have been approved, the labour of the several Governments in deciding on the works to be recommended for execution in each year will be materially abridged and simplified.

44. The maps which you have ordered to accompany each budget, showing the roads in various stages of progress, and those proposed for execution, will be very useful, and will of course be forwarded to us.

45. There is a point of very considerable importance connected with two of the projects discussed in the foregoing paragraphs to which we desire to direct your especial attention, not only with reference to the particular works in question (those of the Great Deccan Road between Mirzapore and Kamptee, para. 10), and the road between Lahore and Peshawur (para. 18), but to all cases of a like character which may present themselves in any part of India. The point is this, before the introduction of railways into India was contemplated, or, in other instances, before the direction of the several lines was determined on, ordinary roads were planned, and more or less of progress has been made towards their completion. The great and expensive steps of metalling and bridging these roads are now in actual execution, or in immediate prospect. But the courses of some of these roads, and especially of those above mentioned, are almost identical with the lines which have been selected for railways, a means of communication far preferable, of course, even to the best ordinary road. In all such cases, it should be a matter of careful consideration, whether, with reference to the limited pecuniary resources of your Government for all public works, it be expedient to expend, to take the example of the Lahore and Peshawur Road, so large a sum as 4,000 *l.* per mile, being about half the average cost of a railway, upon a work, the use and advantage of which will be in a very great measure superseded, as soon as the projected railway between these two important stations has been completed. As soon, indeed, as that has been done, the want of the country will manifestly be not a road, however good, running parallel with the railway, but roads of the best description that can be made, running at right angles with that great instrument of personal and commercial intercourse, and connecting with its stations all the most important districts on each side of its course. These considerations would seem to point to the importance in such cases of keeping the best object steadily in view, and of husbanding our resources, in order to promote it at the earliest date, and in the most effectual manner.

46. As a secondary matter, it may be well to consider, in case it be deemed expedient on sufficient grounds to build bridges of any magnitude for an ordinary road, in a part of the country which it has been determined to traverse by a railway, whether such works might not be constructed at such points and in such a manner as to embrace both the objects in view, to be used for the road until rails can be laid over them for the larger and better purpose.

47. We observe that you have ordered that the amount of estimated repairs should be included in Statement No. 2 of the annual budget. It is our wish that expenditure on new works should be kept entirely distinct from that on

works sanctioned and in progress, and on repairs; and that on repairs should be exhibited in a separate statement.

48. You very properly informed the Government of Bengal that the works included in the budgets should not be arranged according to the circle of superintendence under which they might fall, but should be classified according to their respective characters, so as to exhibit the total proposed expenditure on each general class of works. This instruction should be made general, and it would be desirable that the distinction ordered in para. 30 of our despatch No. 96 of 1854, to be made in the accounts of the department between "expenditure in the nature of investment of capital, and disbursements having no such character," should be observed in making the classification.

49. We have already noticed the irregularity committed by the Bombay Government with regard to the church proposed to be built at Hyderabad. A similar course was pursued in respect to the church at Singapore, at which flourishing and lightly-taxed settlement it could least of all be expected that the community should be provided with church accommodation at the expense of Government. It seems necessary, in order to guard against such instances of disregard of rules deliberately adopted, that before proposals for the construction of churches, or for the execution of other public works, are considered in the department of Public Works, the question whether the particular works proposed should be undertaken at all by Government, and how far existing regulations may bear on the proposals, should be considered in the department to which they may respectively belong.

50. The question of the manner in which funds are to be provided for the expenditure which we have now sanctioned, and which we may hereafter sanction on public works included in the annual budgets, does not come before us in this department. It is sufficient here to remark, that our attention has recently been given to the subject in the financial department, and that the instructions conveyed in the present despatch are to be regarded as subordinate to the orders as to the limitation of expenditure conveyed in our financial despatch, dated 17 June (No. 48) 1856.

51. The orders which you have given, that the annual budgets shall be forwarded to you not later than the month of January preceding the commencement of the official year to which they relate, will secure the object of enabling you to decide on those projects which may be beyond the power of the local Government to sanction, and may come within the limits to which you are empowered to authorise expenditure on particular works. For those larger works, however, on which a reference has to be made to us, the time will be insufficient to allow of our orders reaching India till some time after the year has commenced. We refer for your consideration the mode in which any inconvenience arising from this cause may best be avoided; and we would observe that it is not, in our opinion, absolutely necessary that all references with regard to new projects should be reserved for the annual budgets, although they will necessarily be included in them when presented. In the case of roads and other works, which may form part of a general plan or system, the rule may be necessary; but in respect of buildings and other works, complete in themselves, there seems to us no objection to proposals being submitted for our orders, in anticipation of the budgets, the plans being still entered in Statement No. I, for the year of execution.

52. We have only, in conclusion, to express our entire approval of the determination which you have evinced, in dealing with the budgets of 1855-56, not to sanction the prosecution of any work of importance till plans and estimates shall have been framed, and till all the facts which can materially affect the question of its expediency shall have been fully ascertained and considered. It is mainly from a disregard of this sound principle that the department of Public Works in the Punjab has been brought into such a state of confusion; and it is only by its future maintenance, and by securing the means of scientific supervision for all works in progress, that in the prosecution of public works on an extended scale, inefficiency of execution and wasteful expenditure can be effectually prevented.

53. We

53. We have to remark, that the collections are needlessly encumbered with elaborate specifications and measurements of works, and calculations of labour in cubic feet of earth, which can in no way assist our judgment in deciding upon the utility of the works proposed.

We are, &c.

(signed) *W. H Sykes,*
R. D. Mangles,
&c. &c.

London, 9 July 1856.

Public Works Department, dated 17 April (No. 8) 1857.

Our Governor-General of India in Council.

Budgets for 1856–57 of Bengal, the North-Western Provinces, the assigned Provinces of Hyderabad; Madras and Bombay.

Para. 1. On the 3d November last we received the Madras Budget of Public Works for 1856–57, referred to in your letter, No. 58, of the 9th September, having previously, at intervals, during the preceding seven weeks, received with your letters,* Nos. 36, 42, 48, and 56, the budgets for the assigned provinces of Hyderabad, for Bengal, Bombay, and the North-Western Provinces. The budgets for the Punjaub, Nagpore, the Straits Settlements, and Pegu had not then arrived. We were, however, unwilling on that account longer to withhold our instructions respecting such as had already reached us, and which we shall here review after making one prefatory remark.

2. The budgets before us purport to exhibit, among other particulars, the expenditure authorised for the year 1856–57, both on uncompleted works sanctioned in former years, and on newly projected works sanctioned either by the subordinate governments or administrations, or by yourselves; and likewise the expenditure recommended for the year on new projects, of higher estimated cost, for which our sanction is requisite. These budgets should, conformably to prescribed rule, have been sent to you by the 1st January. The earliest of the budgets, however, that for the Hyderabad provinces, is dated 23d February, that for Bombay on the 27th February, and the other three either in March or April. Not one of those received came into our possession until the middle of September, and some are still wanting, so that the authority which we may now give for expenditure during 1856–57 cannot possibly, in most instances, reach the officers who should act upon it until the year for which the expenditure may have been authorised shall have nearly, if not entirely closed.

3. The discrepancy hence resulting between actual and authorised expenditure, both for the current, and for at least one future year, is a smaller evil than the delay in the commencement of important works consequent on delayed sanction. This delay will be the more protracted, because, though what is termed the "working season" in India terminates in the spring, and about the same time as the official year, it does not recommence till the autumn, so that a road or a canal planned in 1855, and which would have been begun in September 1856, if our sanction had been received early enough, may now have to be delayed, not merely until next April or May, but until the following September or October.

4. We make great allowance for the shortcomings of establishments newly organised, but it is evident that unless the delay alluded to can be prevented in future, the budgets in their present form must perplex and mislead not only those who seek in them for financial statistics, but also the executive officers, who regard them as containing programmes of the ensuing season's operations.

5. As regards ourselves more particularly, it is impossible for us, in the absence of any one budget, to take a comprehensive view of the proposed expenditure for the whole empire; or, in case the state of the finances should render imperative the postponement of some of the projected works, to determine satisfactorily what particular works in the different Presidencies should be deferred. You should carefully collate the budgets of every part of India before selecting from

* Dated respectively 8 and 31 July, 18 August and 1 September 1856.

from them any schemes for recommendation to us, and you should at the same time be careful to furnish us with such a synopsis as that of the budgets for 1855–56 which was transmitted with your letter, No. 36, of the 12th October 1855.

6. With this preliminary observation we proceed to examine the budgets before us.

Bengal.

7. The first of the two statements of which, agreeably to the form prescribed, the Bengal budget consists, contains (exclusively of new projects rejected or deferred) nine new projects which have received your sanction, and four which are referred for our decision.

8. Of the nine projects sanctioned by you the aggregate estimated cost is 3,43,531 rupees, of which 2,93,838 rupees were to be expended in 1856–57.*

9. Of the projects submitted for our consideration, the first is for remodelling and metalling a road, or rather a system of roads, in Cuttack, consisting of three branches; 1st. From Rajghaut, on the boundary of Midnapore, to Cuttack, 131 miles. 2d. From Cuttack to Poree, 50 miles. 3d. From Cuttack to the frontier of the Madras territories, on the way to Ganjam, 69 miles.

10. The first two branches constitute the "Pilgrims' Roads" to Juggurnaut, and the third, known as the "Khoordah Road," is a main link in the communication between Calcutta and Madras; but all three must always have been in a very unsatisfactory condition. So long ago as 1848, the present chief engineer described them as from 20 to 26 feet wide, and as being raised from one to five feet above the adjoining ground, but as unmetalled, and liable, for want of sufficient waterway at the bridges, to continual breaching from floods. Nothing has since been done to supply this radical defect, and they have consequently been progressively deteriorating.

11. You now request our sanction to three estimates, amounting respectively to 6,41,655 rupees, 84,451 rupees, and 1,66,929 rupees, for the virtual reconstruction of the three roads; the first estimate prepared by Mr. Armstrong, Civil Engineer, the other two by Lieutenant Dixon, Executive Officer of the Cuttack Division.

12. Mr. Armstrong's estimate relates to the line from Rajghaut to Cuttack, of which he is in charge, and is accompanied by a minute and elaborate report. This states that the road runs for the most part through a low, level plain, bounded on one side by the sea, and on the other by ranges of hills, from which, during the rains, swollen rivers and torrents descend towards the coast. The larger rivers are unbridged, but 284 bridges, placed along 131 miles of road, open a passage to the smaller streams. The bridges, however, consisting generally of arches from two to eight feet wide, afford so inadequate an opening that the floods periodically overtop the road, covering it with several inches of water, and making numerous breaches, sometimes as much as 350 feet long, and 16 or 18 feet deep. In these circumstances it is evident that the most essential improvement, and that which must precede all others, is increased waterway; and for this Mr. Armstrong would provide by altering old bridges and by building new ones, substituting arches of 12, 16, or 20 feet span for those of two, four, or six feet. The

	Total Estimated Cost.	Amount to be expended in 1856–57.
	Rs.	*Rs.*
* New dispensary at Calcutta	26,175	26,175
Platform for crossing an unbridged river	4,691	4,691
Bridging road from Debroghur to Gola Ghaut	1,00,000	1,00,000
Road from Silchar to Asoloo	44,580	44,580
Road from Chirra Poonjee to Asoloo	25,000	25,000
New gaol at Seebsaugor	46,846	25,000
New Collectors' cutcherry at Mozuffurpore	29,072	18,000
Shed on customs export wharf	41,971	25,196
Inspection bungalows in the Cuttack Division of embankments	25,196	25,196
Rs.	3,43,531	2,93,838

The road would next be raised and metalled, for at present its surface exhibits chiefly a very tenacious, plastic clay, cut up into deep furrows during the rains, until wheeled traffic becomes almost impossible, and hardening afterwards with the same unevenness under the influence of the sun and wind. We desire here to call your attention to para. 4 of our letter of the 14th January 1857, wherein we informed you, that for the repair of roads in this country it is occasionally the practice of contractors not to bring any material for metalling, but half burn the soil, and then beat it into a macadamised road. We are desirous that an experiment of this description, on a small scale, should be made on the road now referred to. The estimate for all that is proposed, in order to make this a first-class road, suitable for traffic at all seasons, is 6,41,655 rupees, or about 5,000 rupees a mile. The rates, generally, are stated to be moderate, and those of masonry low; but what may be regarded as a fact of especial significance is, that the estimate includes a sum equal to one-fourth of its whole amount, on account of what are styled "annual repairs" for 1855–56, which must, we presume, have been executed as temporary expedients, even though no permanent improvements had been designed. These repairs relate principally to damage occasioned by floods; and if the average annual cost of such repairs may be inferred from the estimate for 1855–56, there can be little question as to the economical advantage of getting rid of the constantly recurring necessity for them by an outlay equal to four times their annual cost. We accordingly sanction that part of the project which relates to the road between Rajghaut and Cuttack. As this road, however, runs through a flat, level plain, we would suggest to you whether this might not be a good place to try laying down tram-rails. The road would still be left perfectly good for all other kinds of traffic, and the saving in draught power would be very great.

13. Our sanction must be withheld, for the present, from the two other portions of the project, embracing the road from Cuttack to Pooree, and the Khoordah road. Estimates for re-modelling these roads are furnished,* but are unaccompanied by reports, because, as is stated by Lieutenant Dixon, he could not, without making an inspection tour, in company with Lieutenant Harris of the Embankment Department, decide whether certain embankments, proposed by the former, might not supersede the necessity for renewal of certain bridges, proposed by himself. The bridges here alluded to are all on the Cuttack and Pooree road, to which alone Lieutenant Dixon's reason for not submitting a report could apply; and with respect to that road, the reason assigned by him should have equally prevented his submitting an estimate, which, with one large item left blank, is not in a state to receive our sanction.

14. On the Khoordah road Lieutenant Dixon seems to have thought that there was nothing "requiring any particular report;" but there is one most important point on which information is indispensable. Upon this road, according to Colonel Goodwyn, there are 200 bridges, which it is to be feared are not in general constructed on a better principle than those on the Rajghaut and Cuttack road. If this be the case, it is essential to know, and we direct immediate inquiry, whether their deficiency in water-way does not cause similar damage from floods, and whether the expense of heightening and metalling the road, while the bridges remain unwidened, would not be money worse than thrown away, since it is obvious that a loftier embankment, which did not effectually resist an inundation, could serve only to make that inundation more violent and disastrous.

15. The second project upon which our decision is required is one for the formation of a road, 27 miles long, from Jeeagunge, in the neighbourhood of Moorshedabad, to Nulhattee, the nearest station on the line of the East Indian railway; this scheme is in partial substitution for a design previously entertained of connecting Calcutta and Moorshedabad by a direct road, the necessity for which is now of course superseded by the railway. We have already pointed out to you, on more than one occasion, how desirable it is, that, simultaneously with the railways, lateral roads, which may serve as feeders to them, should be constructed;

* Estimate for the Khoordah Road, 84,451 rupees; estimate for the road between Cuttack and Pooree, 1,66,929 rupees.

constructed; and the proposed road from Jeeagunge to Nalhatty, while serving this purpose for a district of extraordinary productiveness, would at the same time connect Moorshedabad with Calcutta much more effectually than an ordinary highway in a direct line between the two cities.

16. The estimate for the short road proposed amounts to 2,15,772 rupees, or about 7,791 per mile; but this high rate provides for a line with gradients and curves adapted to the branch railway, which, it is not doubted, will hereafter be constructed upon it. Although, however, it is obviously expedient in this case to adopt such breadth of road and such curves as may afterwards serve for a railway, there would seem to be no advantage in making, in the first instance, easier gradients than may suffice for a common road. For this reason, the cost of earthwork may, as you observe, be reduced, and a reduction of one-fourth may also be expected in another item, since the width proposed to be metalled may, in your opinion, be safely reduced from 20 feet to 15. We sanction the project with such modifications as are implied in these remarks.

17. We also accord a qualified sanction to the third estimate referred to us; viz., that for constructing a new gaol of masonry at Akyab, at an expense of 1,56,948 rupees. The former gaol, a thatched wooden building, was burnt down in 1853, and since that time, the prisoners have been "hutted in miserable sheds," from which it is absolutely necessary, both for their health and their safe custody, to remove them as soon as possible. On this account it is most desirable that a new gaol should be built at once; but the plan, as now proposed, besides being probably susceptible of minor modifications, calculated to diminish its cost, is also, you inform us, designed on a larger and more elaborate scale than would otherwise be necessary, in order to fit it for the reception of "term convicts," under sentence of the Supreme Courts. These convicts are now transported to Akyab; but you are considering the policy of discontinuing transportation for terms short of life; and, in case of its abolition, a gaol for local criminals would suffice at Akyab. Pending a decision on this point, our sanction to the amount of the present estimate as a maximum is solicited, and we accord it in order to prevent further delay in providing suitable quarters for prisoners at Akyab.

18. On the questions of drainage, ventilation, and space, the opinion of the Inspector of Prisons for Bengal will necessarily have been called for.

19. The last of the projects referred to us is for remodelling the opium factory at Patna, at an estimated cost of 1,34,227 rupees. To this our sanction has already been given in a separate despatch.

20. The total estimated cost of the four works thus sanctioned is a maximum of 11,48,602 rupees, of which it was proposed to expend 5,41,114 rupees in 1856-57.* The amount to be expended during the same season on works already sanctioned, is entered in Statement No 2 of the budget, at 35,99,684 rupees, exclusively of 1,00,000 rupees † subsequently allowed for unforeseen contingencies. The aggregate amount, therefore, appropriable during the year to public works in Bengal may be stated at 45,34,636 rupees.‡

21. Three

	Total Estimated Cost.	Amount to be expended in 1856–57.
	Rs.	*Rs.*
* Road from Rajghaut to Cuttack - - - - -	6,41,655	3,00,000
Road from Jeeagunge to Nulhattee - - - - -	2,15,772	1,00,000
Gaol at Akyab - - - - - - - - -	1,56,948	50,000
Patna opium factory - - - - - - - -	1,34,227	91,114
Rs.	11,48,602	5,41,114

† *See* Government Letter, No. 67, dated 18 September last.

	Rs.
‡ Proposed expenditure in 1856–57, on works sanctioned by Government of India	2,93,838
" " on works sanctioned by Court - - -	5,41,114
" " on works previously sanctioned - - -	36,99,684
Rs.	45,34,636

21. Three estimates entered in the budget for these provinces have received your sanction; one for a road from Nuldroog to Foljapore, amounting to 5,451 rupees; another for cleaning the fort at Nuldroog for the sum of 2,577 rupees; and a third, amounting to 1,363 rupees, for a new descent of the Foljapore Ghât. A scheme for the construction, at an estimated cost of 63,218 rupees, of a road across the Raichore Dooab from Hooljee to Hoobkeree, forms part of a larger design for a continuous road from Bellary to the sea, and, having been separately referred to us, has been sanctioned by us in a separate despatch. The amount entered in Statement No. 2, as proposed for expenditure on previously sanctioned works, is 40,970 rupees. The entire sum* therefore appropriated to public works in the assigned Hydrabad Provinces during the current season, may be stated at 1,13,579 rupees. Assigned provinces of Hydrabad.

22. Statement No. 1 of the Budget for the North-Western Provinces comprises three projects regarding which you have called for further information, seven† which you have sanctioned, and two which are referred to us. North-Western Provinces.

23. Of the latter, the first is one for a metalled road between Meerut and Kurnaul, estimated to cost 5,80,744 rupees. In your correspondence in this department, both with the subordinate Governments, and with ourselves, you have on more than one occasion alluded to the importance of specially regarding in all new plans for common roads, the course likely to be selected for railways in the same vicinity. This principle would seem however to have been overlooked in your recommendation of the road under consideration. The road, when completed, would, it is said, shorten the distance between Allyghur and Kurnaul by eight miles, and would proportionably facilitate the march of troops to and from the Punjaub. But besides that such advantage would be most extravagantly purchased at an expense of nearly six lacs, it seems clear that whatever might otherwise have been the utility of the road, it would be almost entirely deserted as soon as the East Indian Railway reached the latitude of Kurnaul. The railway would then become the line of communication with the Punjaub, and whether a high road between Meerut and Kurnaul were or were not in existence, a connecting link between Meerut and the nearest point on the railway would be indispensable. It was considerations of this kind which (as noticed in a preceding paragraph) caused you to reject a proposal for a road from Calcutta to Moorshedabad; and just as in that case it was deemed preferable to make a short line from Moorshedabad to the railway leading from Calcutta; so in this instance should a short road be preferred from Meerut to the railway, which it is presumed will pass near Kurnaul.

24. We

* New Works :

	Rs.
Road from Nuldroog to Foljapore	5,451
Cleaning fort at Nuldroog	2,577
New descent of the Foljapore Ghât	1,363
Road through the Raichore Doab	63,218
	72,609
Works previously sanctioned	40,970
Rs.	1,13,579

	Total Estimated Cost.	Amount to be expended in 1856–57.
	Rs.	Rs.
† Agra Barracks	4,59,977	2,50,000
Roorkee Sapper Cantonment	1,38,078	20,000
(The estimates in both these cases are for works already far advanced, their construction having been authorised in anticipation.)		
Chief Engineer's office at Agra	33,048	33,048
Jakoor Canal	99,651	50,000
Machwa Bridge	27,436	27,436
Saugor and Indore Road	71,379	41,656
		4,22,140
Exclusive of an advance in anticipation of estimates on account of the Cawnpore Barracks		2,50,000
	Rs.	6,72,140

24. We must, therefore, decline to sanction this project. But surveys may at once be made for a road from Meerut to the most convenient point on the line of the future railway. That point would apparently be at or near Delhi, a road from which city to Meerut is a thoroughfare so greatly used at all times.

25. The remaining entry in the budget, upon which our decision is needed, viz., an estimate amounting to 1,39,322 rupees for metalling and bridging the portion of the Agra and Bombay road, between Agra and the Chumbul, is sanctioned.

26. The sum proposed for expenditure in 1856–57 on the work just mentioned was 1,00,000 rupees: the amount to be expended within the same period on the new works which you have sanctioned was 6,72,140 rupees; and the estimated outlay on works previously sanctioned was 3,33,523 rupees, exclusive of the cost of repairs which is not given, and exclusive also of a sum of 1,00,000 rupees allowed for contingencies. The total amount* applicable to public works in the North-West Provinces during 1856–57, may therefore be stated at 12,05,663 rupees.

Madras.

27. Of the projects entered in Statement No. 1 of the Madras Budget, your sanction has been given to thirty-one,† the estimates for which are each under one

	Rs.
* On works sanctioned by Court	1,00,000
On works sanctioned by Supreme Government	6,72,140
On works formerly sanctioned	3,33,523
Contingencies	1,00,000
Rs.	12,05,663

	Total of Estimate.	Proposed Expenditure in 1856-57.
	Rs.	Rs.
† Calingaroyen Channel in Coimbatore	64,898	40,000
Improvement of Coast Canal between Madras and Ameen Covil	72,800	40,000
Widening Palicole Canal, and making a Lock at Nursapore	57,280	57,280
Canal from the Tuddry River to Coomptah	36,021	36,021
Raised Causeway and Bridges over the Punungardee Backwater	33,023	33,023
Masonry Works on the Road between Covoor and the Moodeegunda River	84,580	50,000
Masonry Works in completion of Trunk Road No. 7	89,434	60,000
Bridge over the Vellaur, on Trunk Road No. 8	37,263	18,631
Additional metalling of Road between Oolundoorpet and Sameaverum	37,313	37,313
Bridge over the Pennaur	46,901	23,450
Bridge over the Guddelum	25,869	12,934
Road from Vizagapatam to Palaprety	45,750	30,000
Road between Masulipatam and Ibrahampatam	43,250	30,000
Bridge over the Boogairoo	38,558	20,000
Bridging the Bellary and Humpsagur Road	59,250	39,500
Bridge over the Cooum, near Dacumbode	26,860	15,000
Road from Chingleput to Tetry	41,130	10,000
Road from Trivatoor to the Palaur Annicut	38,600	15,000
Bridge over the Palaur at the Annicut	94,400	50,000
Bridge over the Vallaur on the Southern Coast Road	35,020	17,510
Road from Trichinopoly to Salem Boundary	50,000	30,000
Road from Trichinopoly to join Trunk Road No. 9	43,600	25,000
Bridge over the Vignry at Madura	42,200	21,100
Pulkanooth and Nella Cottah Road	25,560	25,560
Road from Palamcottah to Tuticorin	67,361	44,000
Bridge over the Ambravaty	63,830	28,000
Bridging the Guersappa Ghât Road	25,994	16,000
Buildings for Sappers and Miners at Dowlaiswarum	47,028	47,028
New Hospital for European Barracks at Bellary	82,330	50,000
Improvements to Custom-house at Madras	70,040	50,340
Civil Audit Office	37,350	37,350
	15,63,493	10,10,040
Kistnah Annicut Channel from Vellahbapoorum to Tide Water	1,39,700	say 50,000
Reconstruction of Barracks at Bangalore	1,55,600	50,000
Rs.	18,58,793	11,10,040

one lac of rupees, and to one project involving an outlay of larger amount, but not considered to require a special reference to us, as being a necessary development of the Kistnah annicut works, long since sanctioned by us.

28. You have also, in anticipation of the approval now given, sanctioned a project for improving, and adopting for the reception of an European infantry regiment, the dragoon barracks at Bangalore. This you did in order to save the expense of extensive temporary repairs of the roof, which must have been made immediately, unless it had been determined to commence at once on the proposed reconstruction of the whole building.

29. Ten projects enumerated in the margin * still await our orders, and nine of them we readily sanction. The three works of irrigation promise, according to what appear sufficiently cautious calculations, to yield abundant interest on their cost; the four roads are designed to complete the important line connecting Madras with Calcutta; and bridges in situations apparently so well selected as those over the Pennaur and on the Chittoor and Cuddapah road, are, in many parts of the Madras territories, if possible, even more indispensable than roads themselves.

30. The present estimate for married soldiers' quarters at Bangalore is, however, disallowed. It provides for accommodation much beyond what is authorised in our Military Despatch, No. 187 of 5th November last, and a new estimate must be prepared, adopted to the limitations therein enjoined.

31. The total amount required for the thirty-three projects to which your sanction has been given is estimated at 18,58,793 rupees, of which we may assume that 11,10,040 rupees were to be expended in 1856–57. According to the same proportion, the year's expenditure on the nine works sanctioned by us would be about 4,25,000 rupees, the total amount required to complete them being 13,08,611 rupees. The sum entered in Statement No. 2 of the budget, as about to be expended during the year on works already sanctioned, is 37,07,214 rupees, exclusive of 18,54,470 rupees for repairs, and of 1,00,000 rupees for contingencies, so that the aggregate expenditure † in the Madras territories sanctioned for the current year may be stated as 71,96,724 rupees.

32. In

	Total Estimated Cost.
	Rs.
* 1. Annicut over the Tambrapoory	3,85,000
2. Construction of Southern High Level Channel from the Kistna Annicut	3,26,100
3. Poiney Annicut Channel	1,53,283
4, 5, 6, 7. Works on Trunk Road, No. 6 (four estimates)	2,09,120
8. Bridge over the Pennaur	1,06,333
9. Masonry Works on the Chittoor and Cuddapah Road	1,28,775
	13,08,611
10. Quarters for Married Soldiers at Bangalore	90,820

	Rs.
† On work by Supreme Government	11,10,040
On work by Supreme Court	4,25,000
On work formerly sanctioned	37,07,214
Repairs	18,54,470
Contingencies	1,00,000
Rs.	71,96,724

Bombay.

32. In the Bombay Budget, Statement No. 1 comprises sixteen projects * which have been sanctioned by you, and seven upon which our orders are required.

33. Of these seven, three relate to roads designed to form parts of a continuous route from Bellary to the sea, and have been sanctioned by us in a separate despatch. The estimates for them amount to 1,95,042 rupees, of which the portion proposed for expenditure during the current year was 1,17,000 rupees.

34. Another is for a masonry bridge over the Quoina River at Kurar. The estimate amounting to 1,24,170 rupees, replaces a smaller estimate sanctioned by us in 1854, amounting to 88,799 rupees, towards which the Punt Prithee Nidhee had engaged to contribute 25,000 rupees. The difference between the estimates is occasioned by the adoption of a new and greatly improved design; and it now appears, that the whole cost of the bridge will devolve on the State, as the Punt Prithee Nidhee has withdrawn his offer. Nevertheless, you urge us very strongly to sanction the project, which we do with satisfaction, because the bridge will connect the future Kurar and Chiploon Road with the cotton districts lying in the direction of Kolapoor; and because a toll is to be levied, which may help to compensate for what is admitted to be the more than ordinary, though apparently unavoidable, costliness of the structure. We cannot let this opportunity pass without strongly impressing upon you the advantage of establishing cheap and easy communication between all the cotton districts, and the nearest or most convenient ports of shipment, or of communication with the projected railways.

35. We sanction the project for the construction, at a cost of 1,00,819 rupees, of a masonry bridge over the Bhogawa River on the Ahmedabad and Gogo road, observing that the work is pronounced to be "well considered" and "economically planned." To leave unbridged a river nearly a mile broad, having no regular banks, and periodically overflowing the neighbouring country, which becomes a muddy swamp when the water recedes, would be to render comparatively useless the very important route intersected by it. On this bridge, too, a toll is to be levied, which "it is not doubted, will more than repay the cost of construction."

36. The project for a road from Hydrabad to Kotree, at an estimated cost of 1,46,267 rupees, is also sanctioned. This work was included as an item in the system of roads for Sind, to which a general sanction was given by us in July 1854.

37. In your communication to the Bombay Government another project, that for a road from Surat to the Saughur River, is mentioned as being about to be referred to us, but it is not alluded to in your letter to ourselves.

38. Finally,

	Total of Estimate.	Proposed Expenditure in 1856–57.
	Rs.	*Rs.*
* Road from Chiploon to Kurar (To which Court's conditional sanction was given by anticipation in 1853.)	6,52,916	2,50,000
Road from Waee to Sheerwul	45,231	45,231
Diversion of main drain of the Fort at Bombay	42,948	42,948
Bridge over the Goar River, near Seroor	51,451	20,000
Road from the Surampoor Ghât to the confluence of the Pruwarra and Gunga, near Toka	50,157	30,000
Seven minor bridges on the Ahmedabad and Gogo Road	26,794	26,794
Widening the mole in Kurrachee Harbour	39,134	20,000
Bridge over the Foolalee	35,885	28,000
Road from Kotree to Roree	35,020	20,000
Regulating bridge over the head of the Narra New Supply Channel at Roree	16,548	16,548
Completing arsenal at Hyderabad	54,208	30,000
Battery at Aden	17,110	17,110
Battery and guard-room at Aden	37,530	37,530
Shed for Nasmyth's hammers in Bombay Dockyard	45,886	45,886
Amendment of road between Wassind and Khurdee	41,422	20,000
Amendment of road between Wassind and Colsettee	48,325	20,000
Rs.	12,40,565	670,047

38. Finally, a project for a new graving dock at Bombay was left unnoticed by you, because it had already been referred to us directly by the local government. You will have learned, however, from our reply to that government that we wish the subject to be re-submitted to you, in order that we may have the aid of your opinion in coming to a conclusion regarding it.

39. The estimates for the six works which we have sanctioned, amount, in the aggregate, to 5,66,298 rupees, of which 2,85,000 rupees were to be expended in 1855-56. The year's expenditure on the works enumerated above, as sanctioned by you, was to be 6,70,047 rupees, and the expenditure on works previously sanctioned, and on repairs, exclusive of 1,00,000 rupees for contingencies, is entered in Statement No. 2, as 32,96,195 rupees, so that the total expenditure * on public works in the Bombay territories, authorised for 1856-57, is 43,51,242 rupees.

40. In recapitulation, the subjoined statement shows the expenditure sanctioned for the current year on public works, so far as appears from the budgets under review :

	On Works in Statement No. 1, Sanctioned by Government of India.	On Works in Statement No. 1, Sanctioned by Court.	On Works in Statement No. 2, and on Repairs and Contingencies.	TOTAL.
	Rs.	*Rs.*	*Rs.*	*Rs.*
Bengal - - - -	2,93,838	5,41,114	36,99,684	45,34,636
North-West Provinces - -	6,72,140	1,00,000	4,33,523	12,05,663
Hydrabad Provinces - -	9,391	63,218	40,970	1,13,579
Madras - - - -	11,10,040	4,25,000	56,61,684	71,96,724
Bombay - - - -	6,70,047	2,85,000	33,96,195	43,51,242
Rs.	27,55,456	14,14,332	1,32,32,056	1,74,01,844

41. The sanctions which you have yourselves given in the several instances enumerated in the course of this despatch, were, we observe, declared to be subject to the orders prohibiting the commencement of new works pending the result of your recent reference to us, regarding the state of the public finances. You are now in possession of our reply to that reference, and in pursuance of the views therein expressed, we attach to our present sanction of new works the following proviso.

42. That the whole year's expenditure on public works throughout India must not exceed the amount applicable to such expenditure, which the ordinary revenue of the year will meet, to any greater extent than the crore of rupees which you are authorised to procure on loan, for special appropriation to public works.

43. While engaged upon the budgets here received, we could not fail to remark the defective arrangement of most of them; and had intended to suggest some improvements; but in your merited praise of the Madras budget, and in your recommendation of it as a model for general imitation, you have summed up and forestalled all we should have thought it necessary to say.

44. We

	Rs.
* On works sanctioned by Court - - - - - - - - - -	2,85,000
On works by Supreme Government - - - - - - - - -	6,70,047
On works formerly sanctioned, and on repairs - - - - - - - -	32,96,195
Contingencies - - - - - - - - - - - - - -	1,00,000
Rs.	43,51,242

44. We may here express our approval of your recent modification of the budget rules, as reported in your letters, Nos. 46 and 67, dated 8th August and 18th September last.

We are, &c.
(signed) *R. D. Mangles,*
F. Currie,
&c. &c.

London, 17 April 1857.

Public Works Department, 17 April (No. 9) 1857.

Our Governor-General of India in Council.

Budgets for 1856–57 of the Punjab, the Straits Settlements, the Tenasserim and Martaban Provinces, and Pegu.

1. Since completing in our despatch No. 8, dated this day, our review of the budgets for 1856–57, of Bengal, the North-Western Provinces, the assigned provinces of Hydrabad, Madras, and Bombay, we have received with your letters, Nos 62 and 63 of the 13th September, No. 65 of the 16th September, and No. 89 of the 3d December, the budget for the Punjab, the Straits Settlements, the Tenasserim and Martaban Provinces, and Pegu.

2. The contents of these documents will form the subject of the present supplementary despatch, which we must commence by repeating the expression of our dissatisfaction on account of the extremely late period at which the budget reaches us. There is the more reason for calling your attention to this point, because most of the delay takes place at Calcutta. For example, the Punjab budget was completed and laid before the Chief Commissioner on the 29th December 1855, or within a fortnight of the appointed day. It was sent to you from Lahore, with a letter dated 26th January following; but the letter in reply, containing your orders upon it, is not dated until 4th July; and two months more intervened, previously to the date of the letter communicating those orders to us. It is true that no items in the Punjab budget of such amount as to require our previous authority have been recommended to us by you for sanction; but similar, and equally avoidable, though somewhat less protracted delay was suffered to retard the transmission to us of your recommendations regarding the Madras and Bombay budgets.

3. We proceed to notice the budgets now brought before us in the order in which they have been received.

Punjab.

4. With respect to that of the Punjab we have nothing to add to your comments on its irregularities in form, or on the more serious irregularities thereby implied in the executive operations of the department. The submission of projects without plans or estimates still continued, and so did the prosecution of works to which only "general sanction" had been given; but you, very properly, have positively forbidden for the future the commencement of any works until plans and estimates for them shall have been duly submitted and approved. You have also prohibited the suspension of any works in progress, with a view to the commencement of others thought to be of more importance; and, above all, you have insisted that annual expenditure on public works shall not exceed the prescribed limit of 60 lacs. A rigid adherence to these rules will go far towards preventing the lavish outlay which, in the Punjab, was but too much encouraged by the previous absence of all systematic check.

5. The aggregate eventual expenditure sanctioned by you on account of new projects is 12,45,050 rupees, of which the portion to be expended within the current year is 7,32,643* rupees. The estimated cost of most of these projects is separately

	Total of Estimates.	Expenditure sanctioned during the Year.
	Rs.	*Rs.*
* Civil Works	1,70,620	1,70,620
Military works	10,74,430	5,62,023
Rs.	12,45,050	7,32,643

separately inconsiderable; but, in ten instances specified in the margin,* it exceeds what any subordinate government is competent to sanction. In one of these exceptional cases, that of new barracks at Ferozepore, our previous approval was requisite, and had been conveyed to you in para. 43 of our military despatch, No. 46, of 27th April 1854. The other projects were within your competence, and we have no particular remark to make upon them, except with regard to their unusual costliness which, in many cases, seems greater than can be accounted for by locally high prices of labour and materials. This is, indeed, most glaringly exhibited in an item which has been disallowed for the present, viz. "the permanent privies" proposed for European troops at Sealkote, at an expense of 71,191 rupees. These you have ordered to be deferred, "the present temporary arrangements being continued;" but there is similar disproportion between means and end in several of the items which have been suffered to pass, and which appear to furnish additional proofs of the defective supervision so often noticed in the Public Works department in the Punjab. In your Secretary's letter to the Chief Commissioner regarding the budget, it was stated that you were in doubt, from what you had seen, whether one chief engineer can manage properly an expenditure of even 60 lacs. We do not participate in the doubt; and it is to be remarked that one such functionary suffices, in the Madras Presidency, to conduct a still larger annual outlay with method and economy.

6. Exclusively of the expenditure on new works, you have authorised on works already in progress an expenditure during the year of 46,94,241† rupees, so that the total sanctioned for the current season is 59,39,291‡ rupees, subject to the proviso that this sum must be diminished, if, with the addition of the demand for establishment and contingencies, it should exceed 60 lacs.

7. In statement No. 1, of the Budget of the Straits Settlements, are three projects to which you have given a prospective sanction, providing in each case for some modification of the original plan. The first is for a new Government house at Singapore, estimated to cost 1,20,000 rupees, reducible to 45,000 rupees by the employment of convict labour. The present residence of the Governor, built in 1820 of wood, and thatched with leaves, is represented as being scarcely safe, and a new one is, no doubt, required; but the plan and estimate should have been submitted for our previous sanction. The expected cost is not the less beyond the limit within which our authority may be dispensed with, Straits Settlements.

	Total Estimate.	Amount to be expended within the Year.
	Rs.	*Rs.*
* Third coat of metal on the Beeas and Lahore road	88,568	88,568
Umballa Church	45,060	45,060
Cook-rooms for single men's barracks, at Rawul Pindee	28,090	28,090
Set of new barracks at Ferozepore for European infantry regiments	6,73,292	2,00,000
Congoe House, at Ferozepore	26,777	26,777
Barracks for 80 men at the Convalescent Depôt, Murree	50,000	50,000
Hospital at the same place	41,280	41,280
3,500 soldiers' boxes	55,000	40,000
2,000 soldiers' cots	50,000	30,000
Wall round Peshawur Cantonment	45,921	45,921
Rs.	11,03,988	5,95,696

	Rs.
† On civil works	24,70,556
On military works	22,23,685
Rs.	46,94,241

‡ On new works	12,45,050
On works previously sanctioned	46,94,241
Rs.	59,39,291

with, because the amount is not to be paid wholly in cash, but will be provided for in part by convict labour. We are, besides, especially unwilling that an edifice of so much mark as a Government house should be commenced before we have had an opportunity of examining the design; and, in the present instance, the design should still be sent for our inspection, unless the work be already too far advanced to admit of any alteration of plan.

8. The other new schemes are for an arsenal, and for Commissariat godowns at Singapore, estimated at 31,347 rupees and 29,130 rupees respectively. These buildings are shown to be urgently required, but the choice of sites for them has necessarily been postponed, pending a decision on a question under discussion in the Military department as to the construction of a fort, within which, or within reach of whose guns it might be desirable to place all the military buildings at Singapore.

9. The whole estimated expense of the three projects enumerated above is 1,80,477 rupees, and the proposed expenditure upon them, during the current season, 40,000 * rupees. The amount entered in Statement No. 2, for expenditure during the same period, on works previously sanctioned, is 87,917 rupees; so that the total for the year would be 1,27,917† rupees, which, however, would appear to be reducible, by the employment of convict labour, to 70,593 rupees.

Tenasserim and Martaban Provinces.

10. Of the new projects inserted in the budgets of the Tenasserim and Martaban provinces, six‡ (as specified in the margin) have received your sanction. The estimated cost of each of them is inconsiderable; but it may nevertheless be remarked, that wharfs, and similar accommodation for local commerce, ought not, in general, to be provided at the expense of the State; their cost should more properly be defrayed from port or local funds, or, if no such funds are immediately available, then by anticipation of dues, to be subsequently levied for the use of them. The new wharf sanctioned at Moulmein is distinct from a new main wharf, an estimate for which, amounting probably to 1,20,000 rupees, is, it seems, to be entered in next year's budget. When this project comes before us, we shall be disposed to ask whether the Moulmein port dues can be made to suffice for its execution; and if not, we shall infer that the commerce of the place is not sufficiently advanced to require so expensive a work.

11. The expenditure authorised for the year on new works is 7,600 rupees; and on works previously sanctioned, and repairs, 1,59,025 rupees. The total of the year's expenditure on public works, in the Tenasserim and Martaban provinces, may therefore be reckoned at 1,66,625 rupees.

12. The

	Total of Estimates.	Expenditure sanctioned during the Year.
	Rs.	*Rs.*
* Government House	1,20,000	10,000
Arsenal	31,347	10,000
Commissariat Godowns	29,130	20,000
Rs.	1,80,477	40,000

	Rs.
† On works newly sanctioned	40,000
On works previously sanctioned	87,917
Rs.	1,27,917

	Rs.
‡ New wharf at Moulmein	2,500
Reconstructing wharf at ditto	1,500
Tayat at Taory	600
Ditto at Mergui	1,000
Travellers' house at Rangoon	800
Bridge over Keying Nullah	1,200
Rs.	7,600

12. The extraordinary delay in submitting the budget for Pegu was occasioned by the neglect, on the part of most of the executive officers, of the repeated calls made on them by the Commissioner; and you have felt yourselves under the necessity of declaring your determination "to punish all executive officers in the province who were culpably in arrears with their office work, by placing them upon half-staff allowance until the arrears, whether of accounts or plans, and estimates, are cleared off." The statements which were at last laid before you were, as you pointed out, extremely defective and informal. Pegu.

13. Of the new projects entered in this budget, the only ones which appear, from the confused and imperfect documents before us, to have received your sanction are the four noted in the margin* (the proposed buildings for the station of Dalhousie being reserved for a special communication). In your letter, however, you state that you have sanctioned *Rs.* 1,61,619. 3. 6. for expenditure during the year, on account of works included in Statement No. 1, (the difference being, we presume, made up by the various military works which you had sanctioned at intermediate periods); and that the total estimated expenditure during the year, which has received your sanction, inclusive of repairs, is 8,68,871 rupees, of which 4,04,431 rupees are for the Tongoop and Prome roads. The imperfection of the statements prevents us from distinguishing with sufficient accuracy new works from those already sanctioned.

14. Our despatch, No. 8, dated this day, showed the expenditure on public works sanctioned for the current year in Bengal, the North-Western Provinces, the assigned provinces of Hydrabad, Madras, and Bombay, to be 1,74,01,824 rupees; viz.:

	On New Works.	On Works previously sanctioned.	TOTAL.
	Rs.	*Rs.*	*Rs.*
To which may be added—	41,69,768	1,32,32,056	1,74,01,824
For the Punjab - - - - -	12,45,050	46,94,241	59,39,291
„ Straits Settlements - - - -	40,000	87,917	1,27,917
„ Tenasserim and Martaban Provinces -	7,600	1,59,025	16,66,625
„ Pegu - - - - - - -	- - -	- - -	8,68,871
Rs.	54,62,418	18,17,239	2,45,04,528

15. We are still without the budgets for Oude and Nagpore, and are therefore still unable to compute the year's expenditure for the whole of India, or to take that comprehensive view without which we cannot satisfy ourselves that the most judicious distribution has been made of the amount.

We are, &c.
(signed) *R. D. Mangles,*
F. Currie,
&c. &c.

London, 17 April 1857.

	Rs.
* Masonry cook-houses for the Native Infantry Regiment at Heuzada -	13,418
Cantonment roads at Rangoon (apparently) - - - - -	1,14,440
(Of which 25,000 rupees to be expended within the current year.)	
Masonry privies for artillery at ditto - - - - - -	1,669
Temporary gun-shed at Rangoon - - - - - - -	3,587
Rs.	1,33,114

(True copies.)

East India House,
2 June 1857.

J. S. Mill,
Examiner of India Correspondence.

EAST INDIA.

CORRESPONDENCE relating to the Revision of Assessment in *South Arcot*; Meriah Agency in *Ganjam* and *Orissa*; Moturpha, &c., Taxes at *Madras*; Administration of the *Hyderabad* Assigned Districts; and the Public Works Department.

(*Mr. Seymour.*)

Ordered, by The House of Commons, *to be Printed*,
8 *June* 1857.

[*Price 6d.*]

83.—Sess. 2.

Under 8 *oz.*

EAST INDIA (RAILWAYS).

RETURN to so much of an Order of the Honourable The House of Commons, dated 3 March 1857;—*for*,

RETURNS "showing the whole OUTLAY sanctioned by the EAST INDIA COMPANY for the purposes of RAILWAYS in *India*, independently of the Cost of Land; specifying the Amount for each several Railway, and the Rates of Interest at which the different Sums have been guaranteed:"

"Showing the whole Amount which has been paid into the East India Company's Treasury on account of INDIAN RAILWAYS, and the whole Amount which has been paid out of the East India Company's Treasury on account of INDIAN RAILWAYS, down to the latest Period for which Accounts have been received in *England*:"

"Showing the Direction of LINES of RAILWAY sanctioned in *India*, sketched on a Skeleton Map of that Country, marking the principal Stations, with their Distance from the principal Terminus on each of the said Lines; distinguishing the portions of the said Lines completed, or to be completed within a given Time, or already open for Traffic, from those portions not yet completed or commenced upon; and specifying the Number of Miles of Railway open for Traffic in each Presidency, with the Date at which the Construction of each several Indian Railway was begun, so far as the above particulars are already known in *England*:"

"And, showing the Number of Miles of NEW ROADS or NAVIGABLE CANALS opened for Traffic in each several Presidency of *India* since the Year 1848, and the Total Amount of Money expended on their Construction; specifying the Localities of the above Lines of Communication, and distinguishing the Number of Miles, and the Direction of such of the said New Roads as are continuously stoned and bridged and of the first Class throughout, and the Number of Miles and direction of such of the said Canals as are available for Steam Navigation."

East India House,
19 June 1857.

JAMES C. MELVILL,
Secretary.

(*Mr. Cheetham.*)

Ordered, by The House of Commons, *to be Printed*,
22 *June* 1857.

STATEMENT showing the whole OUTLAY sanctioned by the EAST INDIA COMPANY for purposes of RAILWAYS in *India*, independently of the Cost of Land; specifying the Amount for each several Railway, and the Rates of Interest at which the different Sums have been guaranteed.

RAILWAY COMPANY.	Estimated Outlay required to complete the several Lines sanctioned.	Amount of Capital at present issued with the sanction of the East India Company.			Total Amount of Capital issued with the sanction of the East India Company.
		At 4 ½ per cent. Guaranteed Interest.	At 4 ¾ per Cent. Guaranteed Interest.	At 5 per Cent. Guaranteed Interest.	
	£.	£.	£.	£.	£.
East Indian - - - - - - - - - (Calcutta to Delhi, with branches to Raneegunge and Jubbulpore).	12,731,000	- -	- -	8,731,000	8,731,000
Madras - - - - - - - - - - (Madras to Beypore, with a branch to Bangalore, also from Madras to the point of junction with the line from Bombay.)	6,000,000	500,000	1,000,000	2,500,000	4,000,000
Great Indian Peninsula - - - - - - (Bombay to Shawpore, and extensions S.E. to the junction with the line from Madras, and N.E. to Jubbulpore, with a branch to Nagpore.)	10,000,000	333,300*	- -	6,000,000	6,333,300
Sind - - - - - - - - - - (Kurrachee to, or near to, Kotree on the Indus.)	500,000	- -	- -	500,000	500,000
Bombay, Baroda, and Central India - - - (Surat to Ahmedabad.)	1,000,000	- -	- -	750,000	750,000
TOTAL - - -	30,231,000	833,300	1,000,000	18,481,000	20,314,300

* Debentures.

STATEMENT showing the whole Amount which has been paid into the East India Company's Treasuries on account of INDIAN RAILWAYS, and the whole Amount which has been paid out of the East India Company's Treasuries on account of INDIAN RAILWAYS, down to the latest Period for which Accounts have been received in *England*.

	£.	£.
Total amount received by the East India Company on account of the capital of the several Railways - - - -	14,048,627	
Ditto traffic receipts - - - - - - -	98,412	
		14,147,039
Total Amount paid by the East India Company on account of the several Railways:		
On account of capital - - - - - - -	9,951,837	
Ditto guaranteed interest - - - - - - -	1,210,905	
		11,162,742

East India House,
19 June 1857.

JAMES C. MELVILL
Secretary.

SKELETON MAP
OF
I N D I A,

Shewing the Lines of Railway sanctioned
with the distance from the Terminus of each Line

East Indian Railway & branches .... Coloured
Madras ..... Dº ..... Dº ..... Dº
Great Indian Peninsula ..... Dº ..... Dº
Sind ..... Dº ..... Dº
Bombay, Baroda & Central India ..... Dº

Lines completed and opened marked thus .....
Lines not yet completed thus .....

Scale of English Miles.
200 50 0 100 200

PESHAWUR
Attock
Srinagar
Jheliam
R. Jhelum
R. Chenab
Deera Ismael Khan
LAHORE
Kangra
R. Ravee
R. Sutluj
Simla
Deera Ghazee Khan
Mooltan
R. Ghara
Umballah
R. Indus
Bhawulpoor
Almora
Meerut
Shikapoor
DELHI
R. Jumna
R. Ganges
Beekaneer
R. Sanpoo
KHATMANDOO
Darjeeling
Seebpoor
AGRA
EAST INDIAN RAILWAY
LUCKNOW
Oude
R. Gogra
Bijnee
R. Brahmapootra
Joodpoor
R. Loonee
Dholpoor
Cawnpoor
Nowgong
HYDRABAD
Gwalior
Azimgurh
Purneah
Goalpara
R. Chumbul
Sinde R.
Patna
Kotah
Benares
Rajmahal
Allahabad
Mirzapoor
Betwa R.
Soane R.
Deesa
Neemuch
Hazareebagh
Pubna
Bhooj
Mandavee
Gulf of Cutch
Ahmedabad
Indoor
Bhopal
Jubbulpoor
Dacca
Raneegunge
Rajkote
Baroda
Hoosingabad
Sirgooja
Burdwan
SURAT & BARODA RAILWAY
Nerbudda R.
Baitool
Seonee
CALCUTTA
Chittagong
Surat
R. Taptee
Boorhaunpoor
Sunderbunds
Balasore
NAGPOOR
GREAT INDIAN PENINSULA RAILWAY
Nusseerabad
Conrawutty
B. Mahanuddy
Sumbulpoor
Mouths of the Ganges
Gulf of Cambay
Madliganon
Bassim
Cuttack
Arracan
Nassick
Chandah
Aurungabad
Gunjam
R. Mahanuddy
Gull Ghat
Callian
BOMBAY
R. Godavery
Nandair
Ahmednuggur
Bhor Ghat
Poonah
Maidnck
Vizianagram
Chicacole
Sattarah
Sholapoor or Shawpor
Vizagapatam
Rutnagherry
HYDERABAD
Beitwah R.
Guntoor
R. Godavery
Belgaum
Ongole
C. Negrais
Toongabudra R.
Bellary
MADRAS RAILWAY

EAST INDIAN RAILWAY.

		Miles
Howrah to	Ballee	5
	Serampoor	12
	Chandanagore	20½
	Hoogly	24
	Mugrah	30½
	Poondooah	38½
	Menaree	50½

RANEEGUNGE BRANCH

RETURNS of the whole Outlay sanctioned by the East India Company for the Purposes of Railways in *India*, independently of the Cost of Land; of the Amounts which have been Paid Into and Out of the East India Company's Treasuries on account of Indian Railways; and of the Directions of Lines of Railways sanctioned in *India*, sketched on a Skeleton Map of that Country, &c.

(*Mr. Cheetham.*)

Ordered, by The House of Commons, *to be Printed*,
22 *June* 1857.

[*Price* 1 *s.*]

120—Sess. 2.

Under 1 *oz.*

EAST INDIA (RAILWAYS).

RETURN to an Order of the Honourable The House of Commons, dated 20 July 1857;—*for*,

A COPY "of the MEMORANDUM laid before the Court of Directors of the East India Company upon RAILWAYS in *India*, sanctioned and projected, with Map."

East India House, 22 July 1857.

JAMES C. MELVILL, Secretary.

MEMORANDUM showing the State and Prospects of Railways in *India*.

Length of railway sanctioned.

THREE thousand six hundred and forty-eight (3,648) miles of railway have been sanctioned, and are in course of construction, viz:—

By the East Indian Railway Company, from Calcutta to Delhi, with branches from Burdwan to Raneegunge, and from Mirzapore to Jubbulpore, 1,400 miles.

By the Madras Company, from Madras to the Western Coast at Beypore, 430 miles; and

From Madras, *vâ* Cuddapah and Bellary, to meet a line from Bombay at or near the river Krishtna, 310 miles.

By the Great Indian Peninsula Company, from Bombay to Callian, 33 miles, with extensions.

North East to Jubbulpore, to meet the line from Mirzapore, with a branch to Oomrawuttee and Nagpore, 818 miles; and

South East, *viâ* Poonah and Sholapore, to the Krishtna River, to meet the line from Madras, 357 miles.

By the Sind Company, from Kurrachee to a point on the Indus, at or near to Kotree, 120 miles; and

By the Bombay, Baroda, and Central India Company, from Surat to Baroda and Ahmedabad, 160 miles.

Capital and guaranteed interest.

The following Statement shows the amount of capital which it is estimated will be required for the above extent of lines, together with the rates of interest guaranteed by the East India Company on the different sums specified, and the amount of capital already issued, viz.:

RAILWAY COMPANY.	Estimated Outlay required to Complete the several Lines sanctioned.	Amount of Capital at present Issued with the sanction of the East India Company.			Total Amount of Capital Issued with the Sanction of the East India Company.
		At 4½ per Cent. Guaranteed Interest.	At 4⅝ per Cent. Guaranteed Interest.	At 5 per Cent. Guaranteed Interest.	
	£.	£.	£.	£.	£.
East Indian - -	12,731,000	- - -	- - -	8,731,000	8,731,000
Madras - - -	6,000,000	500,000	1,000,000	2,500,000	4,000,000
Great Indian Peninsula	10,000,000	* 333,300	- - -	6,000,000	6,333,300
Sind - - - -	500,000	- - -	- - -	500,000	500,000
Bombay, Baroda, and Central India -	1,000,000	- - -	- - -	750,000	750,000
£.	30,231,000	833,300	1,000,000	18,481,000	20,314,300

* Debentures.

Note.—The Debenture bonds issued by the East Indian Railway Company have been authorised to be converted into shares, bearing interest at 5 per cent; a large majority of these have been, and ultimately all will be so converted; the amount of such bonds is accordingly included in the Capital.

Value of land.

In addition to this asssistance (guarantee) the land for the railways and their termini has been given by Government.* The value of this may be estimated at more than 1,000,000 *l.* for the above extent of line.

Condition of guarantee, and liability of Government.

The guarantee granted by the East India Company accrues upon the capital as it is paid into the Company's treasury. The capital thus paid is applied to the disbursements of the Railway Company, both here and in India, in which latter country, however, very few shares are held; the Government consequently advance the necessary funds from the public treasury. When the railway is in operation the profits are paid into the East India Company's treasury, and are devoted to the payment of the interest so guaranteed. If, as is expected, each railway earns the amount of its guaranteed interest, the payment of the guarantee will only last while the works are in course of construction, and the amount previously advanced by the Government on account of the guarantee will be repaid out of the profits in excess of the rate so guaranteed.

Considerations which have influenced the Government in the selection of lines.

The lines now in course of construction have been chosen for commercial, quite as much as for military and political objects. The accompanying map will show that in each case the existing channels of trade have been followed; that the chief cotton-producing districts are provided with railway accommodation; and that, in one or two instances, such as the railway which connects the great cotton field of Berar with Bombay and the railway through Surat and Guzerat, the principal object is to develope the agricultural resources of those districts, and to bring their produce into communication with the sea.

Lines now opened, and periods at which other sections will be opened.

At present, only a small section is open in each Presidency, making about 300 miles in all; but 3,000 more are being constructed almost simultaneously. The following Statement will show the sections now open, the periods at which other sections are to be opened, and at which the whole will be completed.

RAILWAY COMPANY.	Total Length of Lines.	Experimental Line.	Periods at which it is estimated that the remaining Works on the Lines will be Completed.			
East Indian:	*Miles.*					
Calcutta to Delhi, say - -	1,100	Calcutta to Burdwan, and Branch to Raneegunge, 121 miles. Commenced 1850; completed 1855.	Burdwan to Rajmahal (130 miles); 210 from Calcutta; December 1859.	Between Rajmahal and Allahabad, 440 miles; 1860.	Between Allahabad and Cawnpore (1st Section N. W. P. Division), 126 miles, December 1857.	Cawnpore to Delhi, 260 miles, October 1858 (excepting the Bridge over the Jumna).
Mirzapore to Jubbulpore † -	300					
Note.—No period yet specified for the completion of this line.						
	1,400					
Great Indian Peninsula:				N. E. Line.		
Bombay to Callian - -	33	Bombay to Callian, 33 miles. Commenced 1850; completed 1854.	Callian to Bhosawul, 241 miles; October 1859.	Bhosawul to Oomrawuttee, 125 miles; December 1860.	Oomrawuttee to Nagpore, 138 miles; March 1861.	Bhosawul to Jubbulpore not yet estimated; probably the end of 1861.
Callian to Jubbulpore, with Branch to Nagpore, *viâ* Oomrawuttee - - -	818					
Callian to the Krishtna, *viâ* Poonah and Sholapore -	357	Sections N. E. to Wassind (16 miles), and S. E. to Campoolie (38 miles), have subsequently been opened.		S. E. Line.		
	1,208	Now open, 87 miles.	Callian to Poonah, 91 miles; February 1858.	Poonah to Sholapore, 165 miles; 1860.	Sholapore to Krishtna not estimated; probably the end of 1861.	
Madras:						
Madras to Beypore - -	430	Madras to Arcot, 65 miles. Commenced 1853; completed 1856.	Arcot to Vaniembaddy, 125 miles from Madras; January 1858. To Beypore, on the Western Coast, March 1859.		The line to the Krishtna is not yet estimated. Probably to Bellary in 1861, and to the Krishtna in 1862.	
Madras *via* Cuddapah and Bellary to the Krishtna, about - - - - -	310					
	740					
Sind:						
Kurrachee to the Indus, at or near to Kotree - - -	120	Estimated to be completed by October 1859.				
Bombay, Baroda, and Central India:						
Surat to Baroda and Ahmedabad - - - - -	160	Estimated to be completed to Baroda in 1858, and to Ahmedabad in 1859.				

* The land purchased for the first 335 miles of the East Indian Railway (the most costly portion of the line in this respect), including the Howrah terminus), cost Government 9,21,926 rupees, or 2,752 rupees a mile.

† Delays have occurred in this district, in consequence of the Sonthal insurrection.

The

The works for the trunk lines, above described, have been made suitable for locomotive engines, and are of a solid and permanent character, so that an uninterrupted communication will be maintained throughout the year. The question as to the plan of construction was fully considered by the Government in India and by the authorities in this country, and all concurred that on political, military, and commercial considerations, substantial works were necessary for the trunk lines. Description of works.

In an engineering point of view, it was also strongly recommended. Mr. Simms, who was specially deputed by the Court of Directors to India to inquire into the subject before operations were commenced, reported that,—

"To have a good and substantial permanent way is of the greatest importance, far more so than is generally supposed by inexperienced persons. I consider that a good permanent way is the foundation of the well or ill doing of a railway, and cannot be too much attended to, experience having shown that a niggardly expenditure in this respect, either in its first cost or subsequent maintenance, is a false and mistaken economy. Report, dated 29 April 1850.

"By the adoption of lighter" [than 84 lbs. to the yard] "rails, a saving might be effected in the first instance; but, impressed as I am, with the importance of having a substantial permanent way, I am inclined to disregard any such saving in comparison with the whole cost, and the solid advantages to be derived from having good upper works to the railway, both as to ultimate outlay and comfort and safety in travelling. For if light rails be adopted with a view to economy in the first cost, upon the supposition that the traffic will be light, and the expectations of the promoters of the railway should be realised as to the extent of the traffic coming on the line, such light rails must be replaced by stronger, and of course heavier metal, and necessarily at a great additional cost."

Lord Dalhousie fully concurred in these remarks, and submitted that the recommendation of Mr. Simms should be followed.

All the engineers,* both civil and military, who have been engaged in the laying out and construction of the lines in India, or who have been consulted by railway companies in this country, have concurred in the necessity of following a solid and substantial system of construction.

The principle which has been adopted is that laid down by Lord Dalhousie, in his Minute upon Railways, dated 20th April 1853, viz:

"That all lines for the present shall be formed with a single track, with bridges, embankments, &c. for the same, land being in all cases taken, and the foundation of extensive works laid, to suit a double track.

"That the officers of the East India Company should be required to exact the utmost economy, consistent with perfect security and efficiency in the original construction of the line, and in all buildings and works of every description connected with it."

It may be observed that it has been found desirable to construct all bridges in the first instance suitable for a double line, and in some cases accommodation is likewise provided for the ordinary traffic of the country, by making roadways for passengers and carts, either over or by the side of the railway viaducts.

It may also be mentioned that in regard to the only passenger line which has come into full operation, viz., that from Calcutta to Burdwan, it has already been found necessary, in consequence of the extent of the traffic, to make a double line.

The question as to whether it would be advisable to adopt a lighter description of work for branch lines, or for railroads in districts which are not subject to the influences of floods, &c., has been referred by the Court for the consideration of the Government of India.

In the meantime an experiment was sanctioned for a "Low-speed Railway," upon Colonel Cotton's plan, in the Madras Presidency; but, upon detailed estimates being made, it was ascertained that the cost would greatly exceed that originally

* Amongst these may be mentioned Mr. Robert Stephenson, M.P., the late Mr. J. M. Rendel, Colonel Baker, Bengal Engineers, and consulting engineer to the Government of India; Colonel Kennedy, consulting engineer to Bombay and Baroda Railway; Major Crawford, Bombay Engineers, and consulting engineer to the Government of Bombay; and Major Pears, Madras Engineers, and consulting engineer to the Government of Madras.

originally named; and it has become a question whether it may not be advisable to construct a railway similar to those already executed, which, in this instance, probably would not cost more than 5,000 *l.* per mile, inclusive of rolling stock and stations.

Gauge.

The gauge which has been fixed upon for railways in India is five feet six inches, it having been ascertained that this width is the best calculated to secure all the advantages which are compatible with economy.

Cost of lines now open.

The actual cost of the lines which have been completed has been,—

East Indian.—Calcutta to Raneegunge, 121 miles, including double line to Burdwan, and terminal stations, about 12,000 *l.* per mile.

Madras.—Madras to Arcot, 65 miles, about 5,500 *l.* per mile.

The data in respect to the line now open in the Bombay Presidency, constructed by the Great Indian Peninsula Railway Company, is not sufficiently complete to enable the actual mileage cost to be ascertained.

Length of time occupied in constructing present lines.

The length of time which has been occupied in constructing those lines which are completed will bear a favourable comparison with the period during which works of a similar description were executed in this country, where every resource, including skilled labour and materials, was available. The line in Bengal, now open, is 10 miles longer than the London and Birmingham Railway. The latter occupied six years, the former five years in constructing. In Madras, the execution of the works has been more rapid still, 65 miles having been opened for traffic within three years after commencement, and in Bombay, also, 33 miles were completed and opened in less than four years.

Prospects in a financial point of view.

It is, perhaps, premature to judge of the success of Indian Railways as commercial undertakings. But the results of the lines now open for traffic are very satisfactory; and the line from Calcutta to Raneegunge, which latter place is a mining district, and thinly populated, is now earning profits equivalent to the rate of guaranteed interest, viz., 5 per cent. The following Table will show the extent of traffic on the East Indian Railway for the year ending 31st December 1856:

PERIOD.	Number of Passengers Conveyed.				Goods.	RECEIPTS.
	1st Class.	2d Class.	3d Class.	TOTAL.		
					Tons.	£. s. d.
Six months ending 30 June 1856	6,466	23,256	402,599	432,321	33,010	95,188 16 4
Six months ending 31 December 1856	6,639	25,877	432,605	463,121	44,675	
	13,105	49,133	835,204	895,442	77,685	95,188 16 4

It may be observed that these are the results of the traffic on a line where the amount of merchandise conveyed is very small, compared with what it will become when the railway is continued to the Ganges, at Rajmehal. This extension will be effected in about 18 months.

The numbers stated under the head of "Third Class" in the above Table, will, in a degree, indicate the extent to which the natives use the railway.

It may be remarked, that the receipts from this class are nearly four times as much as from the two higher classes combined; the receipts from passenger traffic in the half year ending 30 June 1856 having been,—

1st Class - - - - - - -	*Rs.* 27,986
2d „ - - - - - - -	29,589
3d „ - - - - - - -	1,99,883

The

The following Tables show the earnings of the Great Indian Peninsula and the Madras Railways since their opening, viz.:

GREAT INDIAN PENINSULA RAILWAY.

FOR THE HALF-YEAR ending	AVERAGE of MILES OPEN during the Half-year.	RECEIPTS.	EXPENSES.	NET PROFITS.
	Miles.	£. s. d.	£. s. d.	£. s. d.
30 June 1855 - - -	35	7,932 7 1	6,449 9 –	1,482 18 1
31 December 1855 - -	43	8,252 6 3	4,914 11 11	3,337 14 4
30 June 1856 - - -	60	16,572 9 10	7,762 6 7	8,810 3 3
31 December 1856 - -	88	24,555 9 1	9,616 17 1	14,918 12 –
Average of Miles open during the above Period	59	57,312 12 3	28,743 4 7	28,549 7 8

MADRAS RAILWAY.

PERIOD.	PASSENGER TRAFFIC.				GOODS.	TOTAL RECEIPTS.
	1st Class.	2d Class.	3d Class.	TOTAL.		
					Maunds.	£. s. d.
1 July to 31 Dec. 1856 - -	871	3,541	71,456	75,868	614,401	11,720 14 9

The following Tables, compiled from the latest detailed statements received at this House, exhibit more fully the earnings of the different branches of traffic, and will enable a comparison to be made between the passenger and goods traffic:

EAST INDIAN RAILWAY—RECEIPTS.

Week ending	Passenger Traffic.				Goods Traffic.		TOTAL RECEIPTS.
	1st Class.	2d Class.	3d Class.	TOTAL.	Coaching.	Merchandise.	
	Rs. a. p.	*Rs. a. p.*	*Rs. a. p.*	*Rs. a. p.*	*Rs. a. p.*	*Rs. a. p.*	*Rs. a. p.*
6 Sept. 1856	668 7 6	1,069 4 9	7,246 1 3	8,983 13 6	815 10 6	6,407 3 5	16,206 11 5
13 „ „	720 2 –	1,112 10 6	6,884 7 9	8,717 4 3	658 11 3	8,130 1 9	17,505 1 3
20 „ „	672 14 6	838 3 9	6,574 – 3	8,085 2 6	709 9 7	6,509 5 6	15,304 1 7
27 „ „	878 8 9	1,028 3 –	8,889 1 6	10,795 13 3	669 10 7	7,620 11 4	19,086 3 2
4 Oct. „	1,189 8 10	1,520 6 6	11,987 11 9	14,697 11 1	1,055 11 7	9,389 3 2	25,143 3 10
11 „ „	1,816 13 6	2,837 5 4	9,284 10 –	13,938 12 10	1,270 3 11	5,331 – 7	20,540 1 4
18 „ „	1,676 2 9	1,992 11 6	9,880 3 6	13,549 1 9	1,008 4 1	5,580 12 11	20,138 2 9
25 „ „	875 12 6	1,296 13 3	9,047 10 –	11,220 3 9	834 4 7	11,203 9 5	23,258 1 9
1 Nov. „	1,358 – –	1,552 11 6	7,876 13 1	10,787 8 7	1,071 1 11	11,598 – 5	23,456 10 11
8 „ „	1,083 – 3	1,238 7 –	9,235 13 –	11,557 4 3	954 6 2	12,038 1 8	24,549 12 1
15 „ „	1,390 12 –	1,425 9 –	8,663 1 3	11,479 6 3	1,205 6 3	11,613 10 9	24,298 7 3
29 „ „	1,506 11 6	1,142 6 9	8,080 14 –	10,730 – 3	1,402 9 2	12,142 9 8	24,275 3 1
Rs.	13,836 14 1	17,054 12 10	1,03,650 7 4	1,34,542 2 3	11,655 9 7	1,07,364 6 7	2,53,762 3 5
					Rs. 1,19,220 – 2.		

MADRAS RAILWAY—RECEIPTS.

Week ending	Passenger Traffic.				Goods Traffic.		Total Receipts.
	First Class.	Second Class.	Third Class.	Total.	Coaching.	Merchandise.	
	Rs. a. p.	*Rs. a. p.*	*Rs. a. p.*	*Rs. a. p.*	*Rs. a. p.*	*Rs. a. p.*	*Rs. a. p.*
10 Jan. - 1856	136 11 -	210 1 6	2,274 7 4	2,621 3 10	309 2 10	2,490 10 3	5,421 - 11
17 „ „	153 15 -	179 13 -	1,909 5 8	2,243 1 8	210 14 3	1,577 11 -	4,031 10 11
24 „ „	54 13 6	267 1 6	3,595 8 -	3,917 7 -	222 14 5	1,716 4 3	4,856 9 8
31 „ „	111 7 6	250 4 3	4,624 9 8	4,986 5 5	310 11 7	2,078 3 10	7,375 4 10
7 Feb. „	80 14 6	347 7 9	3,415 6 4	3,843 12 7	459 14 5	2,234 2 4	6,537 13 4
14 „ „	167 13 -	158 13 -	1,934 13 1	2,261 7 1	359 2 3	1,684 1 7	4,304 10 11
21 „ „	122 5 6	171 3 -	1,658 11 -	1,952 3 6	158 12 9	1,990 2 1	4,101 2 4
28 „ „	48 4 6	253 5 -	2,678 7 -	2,980 - 6	305 3 4	2,297 5 4	5,582 9 2
7 March „	173 2 6	158 2 6	2,011 4 6	2,342 9 6	162 7 11	2,435 5 9	4,940 7 2
14 „ „	117 - -	231 - -	3,398 12 -	3,746 12 -	270 8 2	1,736 4 3	5,753 8 5
21 „ „	87 12 -	285 10 6	2,284 - -	2,657 6 6	369 12 3	2,048 1 5	5,075 4 2
28 „ „	86 4 -	310 11 9	3,951 13 -	4,348 12 9	348 8 6	2,466 10 -	7,163 15 3
Rs.	1,340 7 -	2,823 9 9	33,737 1 7	37,901 2 4	3,488 - 8	24,754 14 1	66,144 1 1
					Rs. 28,242 14. 9.		

Projected Lines. Other lines which have been projected, and which are under the consideration of the authorities, are marked blue in the accompanying Map.

East India House,
15 July 1857.

James C. Melvill,
Secretary.

EAST INDIA (RAILWAYS).

A COPY of the MEMORANDUM laid before the Court of Directors of the East India Company upon RAILWAYS in *India*, sanctioned and projected, with Map.

(*Colonel Sykes.*)

Ordered, by The House of Commons, *to be Printed,*
24 *July* 1857.

209—Sess. 2.

Under 1 *oz.*

INDIAN TERRITORIES COMMITTEE (1853).

RETURN to an Order of the Honourable The House of Commons, dated 31 July 1857;—

"That the Appendix to the Report of the Select Committee on INDIAN TERRITORIES, in Session 1853, page 429, be Re-printed."

THE humble Petition of the Hindoo Inhabitants of *Bengal*, *Behar* and *Orissa*, for themselves and the other Hindoo Inhabitants of the said Provinces,

Humbly showeth,

THAT your petitioners and their Hindoo fellow-countrymen of the above-mentioned provinces are greatly aggrieved in the enjoyment of their ancient laws and customs, in regard as well to rights of inheritance and property as to religion, by an Act of Legislative Council of India, being Act No. 21, of 1850, entitled, "An Act for extending the Principle of Section 19, Regulation 7, of 1832, of the Bengal Code, throughout the Provinces of the East India Company," a copy of which Act they annex to this their humble petition; and having, by petition and memorial, and every means in their power, first endeavoured to prevent the passing of the said Act, and subsequently to procure its disallowance by the Honourable the Court of Directors, but without success, your petitioners earnestly appeal to your Honourable House against the said Act, for such relief and redress as it may be in the power of your Honourable House to give, and as the circumstances of the case may appear to require.

2. That from the title and preamble of the said Act, it might be supposed that the Act is a mere local extension to the other territories of the East India Company of a Regulation which was established in the year 1832 for Bengal; but such is not the case, as your petitioners will presently show.

3. That your petitioners are advised and believe that the intention of the said Regulation was merely to protect from loss or forfeiture of property persons who should conscientiously change their religion, and especially such natives of India as should embrace the Christian religion. But the said Act, besides having this object, to which they object, for the reasons hereinafter given, extends to other objects not contemplated, as your petitioners believe, by the authors of the said Regulation.

4. Your petitioners think it may be necessary to premise, for the information of your Honourable House, that all property of Hindoos, according to Hindoo law, descends in case of intestacy from the ancestor to the heirs, subject to the condition that these shall, on the death of the former, make the necessary funeral oblations, and perform during their lives the periodical rites and ceremonies enjoined by Hindoo law and religion for the deceased line of ancestors; and the Hindoo's confidence in meeting death and hope of a happy state after this life depend on his assurance that this condition will be religiously and faithfully performed. And by a just logical consequence, the Hindoo law confines the right of inheritance to such persons as are willing and able to perform, or join in performing, the said condition.

5. That by Hindoo law there are many other rights, and not merely relating to property, but also to other enjoyments, the possession and continuance of which depend on the performance of conditions derived from morality and religion; and in this pervasive connexion between private right, and religious and moral obligation, consist the vitality and strength of the Hindoo social organisation. It is the common bond by which society has been preserved from dissolution during several periods of war, anarchy, and convulsion, and is preserved in the present day under British rule.

6. That

6. That the said Act strikes at the foundation of this system of property and obligation, and that your petitioners earnestly implore the attention of your Honourable House to a brief analysis of the said Act, which they offer with a view to demonstrate its extensive operation. On an analysis it appears that it deals with certain persons and certain rights. The persons in the words of the Act are; 1. Persons renouncing the communion of any religion. 2. Persons excluded from the communion of any religion. 3. Persons deprived of caste. And in favour of these three descriptions of persons the Hindoo law is to the following extent repealed; viz., that it shall cease to inflict on them any forfeiture (1) of rights; (2) of property; and (3) that it shall cease in any way to impair or affect any rights of inheritance. Your petitioners are advised and believe, that these words, "rights" "property," and "rights of inheritance," though jurisprudentially ill selected and illogically arranged, comprise the whole body of civil and religious rights with which Hindoo law in any way deals in the case of the previously specified persons; and that the said designations of those persons comprise the whole body of persons whom Hindoo law regards as offenders in any way against Hindoo morality, law, or religion. It is hardly necessary for your petitioners to point out the great difference between these three classes of persons: in the first class the Christian convert may be reckoned, as he is a person renouncing the communion of the Hindoo religion; but persons who are excluded for other reasons besides that of embracing another religion, and still more, persons who may by Hindoo law be deprived of caste, include persons guilty of all shades, from the faintest to the deepest, of immorality and crime. On this plain analysis, therefore, your petitioners humbly and confidently say, that by the said Act every barrier which religion and law and custom have raised in the interests of Hindoo society is weakened, or broken down.

7. Your petitioners trust that they may, without abandoning their broad and general objections to the said Act, submit an illustration of the manner in which it may be made to operate on Hindoo social and family relations. A Hindoo widow is entitled by Hindoo law to maintenance out of her husband's or father-in-law's estate, and residence in the family house if there be one; and if she has had an only son who has died childless, she would be entitled to the inheritance, in the place of her son, of a third part; for example, if the estate was the joint estate of three brothers, her husband having been one, and if living as a joint family at the time of his death, she would be entitled to residence in the family mansion. According to Hindoo law she would be liable to be deprived of caste by many kinds of immorality, say, for example, prostitution, if on being called to repentance and penance she persisted in them; and as a consequence of being deprived of caste, she would lose the said right to maintenance and right of inheritance. But by the said Act these rights are preserved to her notwithstanding. If her husband's brother were to sue for a petition, thereby recognising the right given to her by the Act, she would still remain in the family mansion in juxtaposition with the virtuous matrons of the family and their children and grandchildren in apartments allotted to her under the partition, and by the Act made inalienably her own. One more illustration. A religious Hindoo, having an only son, looks to that son as his assurance that those religious rites will be duly performed on which he believes his salvation and that of his immediate ancestors to depend. If the son becomes a Christian, or from any other cause is deprived of caste, the father is entitled by Hindoo law to adopt another son, who would by the same law take the inheritance. The Act in question, by severing the inheritance from the adoption, and securing it to the original son, virtually and practically annuls the Hindoo right of adoption.

8. That it would be impossible for your petitioners adequately to describe the manner in which the said Act may operate on Hindoo social relations; but the above illustrations are selected from a great variety which might be given, and they show, as your petitioners submit, that the said Act is of a tendency subversive of the interests of morality and religion.

9. That in the opinion of your petitioners, the said Act involves a breach of faith on the part of the Government towards the Hindoo nation, a persistence in which will affect the honour and glory of the British Crown. The first acquisitions of the British in India having been made by or in the name of the East India Company, your petitioners can only appeal to the acts and declarations of that body in support of the above proposition; and these acts and declarations have

have uniformly held out to the Hindoos the promise of the establishment of Hindoo law for Hindoos, and of their being made secure in the enjoyment of their ancient usages and religion. By such declarations and promises the British Government has gained the confidence and allegiance of the Hindoo people, and that the said Act is inconsistent with them. That such was the early policy of the East India Company is attested by every respectable historian. That the administration or practice of the Government was in accordance with this its professed policy may be proved by authentic traditions, and is in the recollections of men still surviving a now bygone generation, and is besides strongly evidenced by the missionary literature of the present day, which is constantly endeavouring to bring obloquy on the officers of Government of former days for having respected the religion, laws, and usages of the people; and your petitioners beg to add that, although the policy alluded to preceded all legislation, and was long maintained independently of legislation, and had a much wider scope than any legislation on the subject, it is in fact supported by legislation. In Bengal, in 1793, and in Madras, in 1802, Regulations of Government were passed, by which the Hindoo laws were established here as the laws to be followed in all suits regarding succession, inheritance, marriage, and caste with regard to Hindoos, and the same, in 1781, was intended by Parliament to be made the law of the Supreme Court for the natives of the presidency towns. Referring, therefore, to this long and uniform course of policy, administration, and legislation, your petitioners feel warranted in considering the said Act as a violation of their established rights as a people, whose virtually distinct nationality has been recognised by the British Crown, contrary to the good faith which the British Crown will maintain.

10. That your petitioners are also advised that the said Act is beyond the power and competence of the Legislative Council, but that inasmuch as its legality cannot be disputed in the courts of the East India Company, your petitioners are remediless except by the aid of Parliament.

11. That your petitioners, having compared the said Act with the Regulation of which it professes to be an extension, beg your Honourable House also to compare it with the measure originally proposed prior to the said Act, by the Indian Law Commission, and sanctioned by the Government. And for the purpose of enabling your Honourable House to form a comparative judgment, your petitioners beg to premise a brief narration. In 1845 an Act was proposed by the Indian Law Commission, and published in draft by the Indian Government, for the purpose of establishing a substantive law of the place under the name of the Lex Loci, for the numerous classes in India being neither Hindoos nor Mahomedans, respecting whom it was doubtful what kind of law applied to them. By the provisions of the proposed Act, as your petitioners are advised, converts from the native to the Christian religion would have been placed under the Lex Loci, and by three sections (a copy of which is annexed to this petition) provisions were alleged to be made on the principle of the Regulation of 1832 for persons who should renounce or be excluded from the communion of any religion, meaning, as your petitioners understood, natives who should become Christians. In the various petitions and remonstrances of the Hindoo community against the measures alluded to, the Secretary of Government finally replied by the following paragraph in a public and official letter, par. 35: "It is the intention of Government for the more convenient arrangement of the new law to remove the other sections from the Lex Loci Act, and place them in a separate Act." The Hindoo community thereupon expected that the obnoxious law would be passed, but passed as proposed, and substantially in its integrity. The separate Act alluded to is Act 21 of 1850, but it is not composed of the said three sections, and is not substantially the same measure, but on the contrary, it is in some respects new, and it more extensively outrages the feelings of the Hindoo people; and moreover, your petitioners would particularly point out to your Honourable House, that of the three proposed sections one was restrictive, and to the effect that the new law should not be specifically enforced when it would be likely to outrage the religious feelings of any party against whom the courts of justice might be called on to apply it. The Act 21 of 1850 contains no such restrictions, nor even the qualification contained in the Regulation of 1832, by which it was provided that that measure should be carried out in conformity with "justice, equity, and good conscience." And in considering this statement your Honourable

House will not fail to remark this important fact, that the much milder measure originally proposed was, in the opinion of the Indian Law Commission, adapted (as in fact it did) to outrage the feelings of the Hindoos, and was not a fit law to be passed without checks and restrictions.

12. That your present petitioners are the inhabitants of three different provinces, and by reason of some local differences between the Hindoo law of Bengal from that of Behar and Orissa, they are not all necessarily affected by the said Act in the same manner. In Bengal, but not in Behar or Orissa, nor generally in the rest of India, the Hindoos may legally make a will of the whole of their property, and thereby they have the power of securing it to those who will respect its consecrated uses and the trusts to which it is subject for the benefit of ancestors; but all your petitioners alike regard the Act in its entirety as subversive of Hindoo society.

13. That the objection of your petitioners being to the general operation of the said Act, your petitioners are disinclined to urge objections merely to its details, but they are struck with its great want of equity. The rights or supposed rights of its favoured classes have been abstractedly considered, and no regard has been paid to the eleemosynary and beneficiary interests which are recognised by all Hindoo families in the actual use and enjoyment of property. Such interests ought to be specially provided for in any new distribution of property. Your petitioners also beg incidentally to note that, as Hindoo law will cease to a great extent to apply to the classes provided for by the said Act, a new body of laws is required for the said classes, but is not provided by the said Act, and the omission may become extensively inconvenient to the Hindoo community.

14. That your petitioners do not feel called upon to defend their ancient laws and religion: they are of great antiquity, they have been for ages the inheritance and possession of a hundred millions of people, and are so to the present day, and generally they remain in perfect harmony with the faith and feelings of the people. Your petitioners, therefore, confidently submit that these laws ought not to be altered or superseded in any one article, except at the imperative call of humanity, justice, and reason united: and your petitioners beg most respectfully and earnestly to add that no such grounds exist for the said Act, and that your petitioners regard the said Act as merely an encouragement to the spirit of religious proselytism, but at the same time going much beyond that object. Your petitioners are not insensible to the peculiar case of such of their countrymen, especially the young and inexperienced, as have been gained over to professing to be Christians. But your petitioners submit, their becoming Christians does not entitle them to the benefit of special legislation. Their desertion of the religion of their country opens to many of them a career of fortune in which their brother Hindoos cannot follow them, and no converts from the faith of a nation were ever so favourably circumstanced as are Hindoo Christians.

15. In conclusion, your petitioners humbly pray your Honourable House to take this their petition into your most serious consideration, and to take such measures as to your Honourable House may appear expedient to procure the repeal or annulment of the said Act of the Legislative Council of India, and said Regulation of the Bengal Government, and as also may be necessary to preserve to the Hindoo nation the enjoyment of their ancient religion and customs.

And your petitioners shall ever pray.

Raja Radhakant Bahadoor.
Raja Kalikrishna Bahadur.
Cossinauth Mullick.
&c. &c. &c.

INDIAN TERRITORIES COMMITTEE (1853).

PETITION of the Hindoo Inhabitants of *Bengal, Behar* and *Orissa*, for themselves, and the other Hindoo Inhabitants of the said Provinces.

(*Mr. Whiteside.*)

Ordered, by The House of Commons, *to be Re-printed,*
31 *July* 1857.

225—Sess. 2.

Under 1 *oz.*

EAST INDIA COMPANY.

RETURN to an Order of the Honourable The House of Commons, dated 4 August 1857 ;—*for*,

AN ACCOUNT "of the AMOUNT now to the Credit of 'The SECURITY FUND of the EAST INDIA COMPANY,' established under the Act 3 & 4 Will. 4, c. 85 (1833); setting forth the Date of the Payment of the Sum of £.2,000,000 therein directed to be paid by the said East India Company, and of the Investments made out of the same in Government Stock; and also of all Investments made out of Dividends or Interest arising therefrom; and of the Gross Amount of Stock or Money forming at the present time a Security Fund for securing to the said Company the Redemption of their Dividend, according to the Provisions of the said Act.",

		£. s. d.
25 April 1834 - -	Paid to the Commissioners for the Reduction of the National Debt, by the East India Company - - - - - - - - - -	2,000,000 - -
Between 5 July 1834 and 5 August 1857.	Dividends received by the Commissioners for the Reduction of the National Debt on Stock purchased, including 22*l.* 14*s.* 6*d.*, two days' Interest on protracted payment of part of the above sum of 2,000,000*l.* - - - - -	2,282,594 12 6
	TOTAL Cash Received - - - £.	4,282,594 12 6

	CONSOLIDATED THREE PER CENTS.	REDUCED THREE PER CENTS.
	£. s. d.	£. s. d.
The above sum of 2,000,000*l.* was applied to the purchase of - - - - - - - -	6,841 17 7	2,222,090 18 11
The above sum of 2,282,594*l.* 12*s.* 6*d.* was applied to the purchase of - - - - - -	799,578 4 8	1,677,149 18 2
TOTAL Amount of Three per Cent. Stock to the Credit of the Security Fund of the East India Company on the 5th August 1857 - - -	£. 806,420 2 3	£. 3,899,240 17 1

National Debt Office,
5 August 1857.

A. Y. Spearman,
Comptroller-General.

EAST INDIA COMPANY.

ACCOUNT of the Amount now to the Credit of 'The Security Fund of the East India Company,' established under the Act 3 & 4 Will. 4, c. 85 (1833); setting forth the Date of the Payment of the Sum of £. 2,000,000 therein directed to be paid, &c.

(*Mr. Disraeli.*)

Ordered, by The House of Commons, *to be Printed,*
11 *August* 1857.

EAST INDIA (SINGAPORE).

RETURN to an Order of the Honourable The House of Commons, dated 28 August 1857;—*for*,

COPY "of a DESPATCH from the Court of Directors of the East India Company to the Governor-General of *India* in Council, dated the 25th day of March 1857 (No. 2); and of the REPLY of the Governor-General of *India* in Council thereto, on the supposed Intention of the Government of *India* to levy DUES at the Port of *Singapore*."

The Court of Directors of the East India Company to the Governor-General of India in Council, dated 25 March 1857 (No. 2).

Para. 1. REPRESENTATIONS have been addressed to us on the subject of an apprehended intention, on the part of your Government, to authorise the levy of tonnage dues at the port of Singapore. As no intimation to this effect has been made in your correspondence with us, we desire that you will inform us, with the least possible delay, whether there is any foundation for this apprehension; and if so, with what object it is intended that tonnage dues should be imposed at that port.

2. You are, doubtless, aware that when the subject was under our consideration in the year 1825, we signified our entire approbation of the abolition of port dues at Singapore; and that in the following year we expressed our opinion that the establishment of duties on imports and exports at that settlement would be inexpedient.

Public letter to Bengal, dated 11th May 1825, para. 66.

Letter to Government of Prince of Wales' Island, Singapore, and Malacca, dated 10th May 1826.

3. The success which has hitherto attended the freedom of trade at these ports has confirmed the opinion communicated to you in these despatches, and we should deprecate the imposition of any burden on the commerce of the Straits Settlements, except under circumstances of urgent necessity.

We are, &c.

(signed) *R. D. Mangles.* *F. Currie.*
C. Mills. *J. Oliphant.*
R. Ellice. *H. Willock.*
W. J. Eastwick. *J. Shepherd.*
E. Macnaghten. *W. B. Bayley.*

London, 25 March 1857.

From the Governor-General of India in Council to the Honourable the Court of Directors of the East India Company, 25 June 1857 (No. 11.—Separate Revenue).

Honourable Sirs,

WE have the honour to acknowledge the receipt of your despatch in the Separate Revenue Department, No. 2 of 1857, dated the 25th March, informing us that representations have been made to your Honourable Court of an apprehended intention of the Government of India to authorise the levy of tonnage dues at the port of Singapore, and desiring to be immediately informed whether there is any ground for this apprehension; and if so, with what object it is intended that tonnage dues should be levied there.

2. Your

2. Your Honourable Court remind us that in the year 1825, when the subject was under consideration, you signified your entire approbation of the abolition of port dues at Singapore, and that in 1826 you expressed an opinion that the levy of customs duties there would be inexpedient. You add, that the success which has attended the freedom of trade at Singapore has confirmed the opinion you held more than 30 years ago, and that you deprecate any burden on the commerce of the Straits Settlements, except under circumstances of urgent necessity.

Public letter to Bengal, dated the 11th May 1825, para. 66.

Letter to Singapore, dated the 10th May 1826.

3. We have not heard that it has been proposed by any one to impose customs duties at Singapore, and we have certainly never contemplated such a measure.

4. With regard to the levy of port dues we have to explain, that after Act No. XXII. of 1855 (the Port Regulation Act) had been passed, a request was made by the Legislative Council that the Governments of Bengal, Madras, Bombay, and the Straits Settlements might be required to furnish certain information to enable the Council to pass a supplementary Act for the regulation of port dues and fees at each port according to its wants, and an estimate of the amount which, in the judgment of the Local Government, it would be necessary to levy at each port. A communication was accordingly made to the Straits Government on the 6th December 1855.

Vide letter from Clerk of the Legislative Council, dated the 3d December 1855, in the collection.

5. On the 11th February 1856, the Governor of the Straits addressed the clerk of the Legislative Council, giving the required information, and observing as follows:—" If not considered to interfere with the freedom of the port, I am inclined to agree with Mr. Church in the imposition of a due of half an anna per ton on all square-rigged vessels, and would further recommend that all native vessels, clearing out from both harbours, should pay a fee of two rupees for junks, and one rupee for boats of all descriptions. The amount so realised would provide for all present expenses, and enable us to do all that may be necessary for the efficient management of the harbours and their approaches."

6. A copy of this letter was sent to us by Mr. Blundell in his letter of the 18th July 1856, wherein he also submitted a draft of port rules for approval under the Act. The rules were approved, but no notice was taken of the question of port dues, which was already under the cognisance of the Legislative Council. There was incidental mention, however, of a fee now usually levied upon the registry of boats at Singapore, and a memorandum of this was sent to the Legislative Council " in order that it may be sanctioned in the new Act for fixing port dues and fees." These proceedings were reported to your Honourable Court on the 29th January last.

Vide Mar. Letter, No. 4 of 1857, dated 29th January, para. 55.

7. We are aware that in 1825 your Honourable Court signified your entire approbation of the abolition of the port dues at Singapore, the circumstances attending which were as follows:—

8. On the 8th July 1820, the Government of Bengal, addressing the Resident of Singapore regarding the report of a certain committee, observed:—" The only point which has attracted his Lordship's notice as requiring alteration, is the receipt of port clearance fees by the Master Attendant for the provision of stationery for his office. His Lordship is of opinion that it would be preferable to assign an allowance for stationery to the Master Attendant, and to bring the duties levied on port clearance to the credit of Government."

9. On the 15th September 1823, the Resident, reporting on certain proposed changes in the Master Attendant's Department, observed: " The suppression of port clearance fees as a perquisite of the Master Attendant appeared to be not less necessary, and for this I had already the recorded authority of the Government; a letter from the Chief Secretary, of which a copy is enclosed, having expressly disapproved of the principle of creating a fund at the disposal of the Master Attendant for the payment of his establishment. These port clearance dues, light and inconsiderable indeed as an impost upon the trade, were certainly heavy when viewed, as they really were, as a mere fee of office. The whole native craft frequenting the port were comprehended, for they extended even to boats of four tons burthen. Some objection also may be urged

Viz., the one above quoted.

urged against the inequality of their operation. An European ship of 1,200 tons, for example, paid 12 dollars, whereas a Malay boat of seven tons, perhaps importing a little fruit or poultry, paid 1 ½ dollar, or in proportion to her size, upwards of twenty times as much. In the one case the dues were no more than a trifling and inconsiderable fee, whilst in the other they became a tax upon the goods imported. At Prince of Wales' Island, the port clearance fee was exacted only of square-rigged vessels, and never exceeded two dollars, but even this has lately been abolished. Instead of carrying these dues to the account of Government, considering the objection which exists in principle to the mode in which they are levied, and their inconsiderable amount as an object of revenue, I have considered it most consonant to the liberal principle on which the settlement is maintained, provisionally to abolish them."

10. This proceeding of the Resident was approved by the Government, among other arrangements of the Master Attendant's Office, on the 4th December 1823, and by your Honourable Court, as above mentioned, on the 11th May 1825. And thus it appears that the port dues were abolished, not because they were contrary to any sound principle, but (1.) because they were unfairly assessed, and (2.) because they were inconsiderable in amount.

11. The charge of a port fee for services rendered, no more than enough to enable the establishment of the port to render such services, whether in the shape of lights, beacons, buoys, jetties, &c., is of course entirely a different question from that of customs duties; and if such fees were to be established at Singapore, it would not interfere with the character of the port as a free port. Even now all vessels touching at any British port, which have used or are about to use the Straits lights, pay the Straits light duty at that port, whether it be Singapore or any other British port in India, unless they have already paid it at some other port. But this does not affect the character of Singapore as a free port.

12. In fact, however, no proposal to impose such fees at Singapore has been made by the Government of India. Mr. Church and the Governor of the Straits have (as explained in paragraph 5 of this letter) suggested a very small port duty to pay for some slight services rendered, and proposed to be rendered. But as all services required would cost little, and the fee would therefore be very small, it is probable that under any circumstances that proposal, though believed to be perfectly unobjectionable in principle, would not have been adopted on practical grounds: and after the receipt of your Honourable Court's orders, conveyed in the despatch under acknowledgment, the proposal will, of course, be treated as finally disposed of.

13. A copy of your Honourable Court's despatch and of our reply will be sent to the Legislative Council.

We have, &c.
(signed) *Canning.*
J. Dorin.
J. Low.
J. P. Grant.
B. Peacock.

Fort William, 25 June 1857.

EAST INDIA (SINGAPORE).

COPY of a DESPATCH from the Court of Directors of the East India Company to the Governor-General of *India* in Council, dated 25 March 1857 (No. 2), and of the REPLY of the Governor-General in Council thereto, on the supposed Intention of the Government of *India* to levy DUES at the Port of *Singapore*.

(Mr. Vernon Smith.)

Ordered, by The House of Commons, *to be Printed*, 28 *August* 1857.

322—Sess. 2.

Under 1 *oz.*

EAST INDIA (TENURES OF LAND).

RETURN to an Order of the Honourable The House of Commons, dated 9 June 1857;—*for*,

A RETURN "showing under what TENURES, and subject to what Land Tax, LANDS are held under the several Presidencies of *India*."

East India House, 18 June 1857. JAMES C. MELVILL.

RETURN showing under what TENURES, and subject to what Land Tax, LANDS are held under the several Presidencies of *India*.

IT is presumed that the Order of the Honourable House is intended to apply only to those tenures which are held directly under the Government, and not to those sub-tenures which may be created at the pleasure of landowners.

Land throughout India is generally private property, subject to the payment of revenue, the mode and system of assessment differing materially in various parts.

Considerable tracts however are exempted from the payment of any revenue, such as Jaghire, Lakhiraj, Maaffee, Enam, and other similar lands, mostly under grants made by the native governments which preceded us, and which have been subsequently confirmed by the British authorities. Others, such as estates held on Mocurreree or Istimraree titles, are subject to a fixed annual payment, not liable under any circumstances to be increased.

BENGAL.

In the Lower Provinces of the Bengal Presidency, the land is held by zemindars, on payment of an annual sum fixed in perpetuity, the estates being liable to be sold in default of payment, under the provisions of Act I. of 1845. The only land at the disposal of Government consists of estates which have been thus sold, and purchased on the public account. The rate of land tax cannot be given, but it is believed to amount, on the average, to about half the rental.

NORTH-WEST PROVINCES.

The system pursued in the North-West Provinces is briefly described in the following extract from the "Directions for Revenue Officers," promulgated under the authority of the late Lieutenant-governor, Mr. Thomason.

First. All the inhabited part of the country is divided into portions with fixed boundaries, called mehals or estates; on each mehal a sum is assessed for the term of 20 or 30 years, calculated so as to leave a fair surplus profit over and above the net produce of the land; and for the punctual payment of that sum the land is held to be perpetually hypothecated to the Government.

Secondly. It is determined who are the person or persons entitled to receive this surplus profit. The right thus determined is declared to be heritable and transferable, and the persons entitled to it are considered the proprietors of the land, from whom the engagements for the annual payment of the sum assessed by the Government on the mehal are taken.

Thirdly. All the proprietors of a mehal are, severally and jointly, responsible in their persons and property for the payment of the sum assessed by the Government on the mehal. When there are more proprietors than one, it is determined according to what rule they shall share the profits, or make good the losses on the estate. If the proprietors are numerous, engagements are only taken from a few of the body, who on their own parts, and as representatives of the rest, undertake to manage the mehal, and to pay the sum assessed upon it.

The rate of assessment was in the first instance limited to two-thirds of the net produce * of each mehal or estate, but, on the revision which is about to take place on the expiration of the 30 years which formed the first term of settlement, it has been determined to restrict the demand of the State to one-half of the average net assets.

In some districts, such as Goruckpore, the Deyrah Dhoon, and Kumaon, there are large tracts of land in which no private rights exist, and which are consequently at the absolute disposal of the Government. These are granted to applicants on favourable terms, such as those mentioned in the following notification, which was issued in September 1855:

1. Grants of land for the tea cultivation in the Kumaon and Ghurwal districts of the Kumaon province, will be made on the following conditions, on application to the Senior Assistant Commissioner of the district.

2. Each grant will be of not less than 200 or more than 2,000 acres; more than one grant may be taken by one person or company, on the applicants satisfying the local authorities, acting under the usual control in the Revenue department, of their possessing sufficient means and capital to undertake an extended cultivation and manufacture of tea.

3. One-fourth of the land in the grant will be given free from assessment in perpetuity, on fulfilment of the conditions below stated.

4. The term of first lease will be for 20 years; for the first four years the grant will be rent free; in the fifth year, one anna per acre will be charged on three-fourths or the assessable portion of the grant; two annas per acre in the sixth year; three annas in the seventh year, and so on, one more anna being added in each year, till, in the last year, the maximum rate is reached of one rupee per acre. The full assessment on a grant of 2,000 acres will thus not exceed 1,500 rupees per annum.

5. The following are the prescribed conditions of clearance:

At the close of the fifth year from the date of grant, a twentieth part of the assessable area; at the close of the fifteenth year, half of the assessable area; and at the close of the last year three-fourths of the assessable area is to be cleared and well stocked with tea plants.

6. In the 21st year, on the fulfilment of the above conditions, the proprietary right in the grant and the right of engagement with Government shall vest in the grantee, his heirs, executors or assignees, under the conditions generally applicable to the owners of estates in Kumaon; and the rate of assessment on the lands in the grant, in whatever manner cultivated, shall never exceed the average rate on grain crop lands in the same locality.

7. On failure of payment of the prescribed assessment in any year, or of any of the above conditions (the fact of which failure shall after local inquiry, conducted by the Senior Assistant Commissioner, be finally determined by the Sudder Board of Revenue), the entire grant shall be liable to resumption at the discretion of the Government, with exception to the portion of the assessable area which may be *bonâ fide* under tea cultivation, and to a further portion of land which shall be allowed in perpetuity free of assessment to the extent of one-fourth of such cultivated area. The portions so exempted will remain in the possession of the grantee, subject to the usual rates and rules of assessment in the district.

8. Grantees

* By net produce is meant the surplus which the estate may yield after deducting the expenses of cultivation, including the profits of stock and wages of labour.

8. Grantees shall be bound to erect boundary pillars at convenient points round the circuit of a grant within six months from its date, failing which, such pillars will be put up by the Government officers, and the cost thereof shall be recoverable from the grantee in the same manner as the regulated rate of assessment.

9. No claim to the right and interest in the grant on any transfer by the original grantee, will be recognised as valid unless on registry of the name of the transferee in the office of the Senior Assistant Commissioner.

10. So long as Government establishments for the experimental growth and manufacture of tea shall be maintained in the Provinces, supplies of seeds and plants will be given gratis to grantees, on application to the Superintendent Botanical Gardens, North-Western Provinces, as far as may be in his power.

MADRAS.

The tenures of land under the Madras Presidency are thus described in a report recently received from that Government.

The revenue systems in force in the Madras Presidency are the zemindary, village joint rents, ryotwar, oolungoo.

The zemindary system is also termed the Mootahdary, the former designation being usually applied to old ancestral estates, and the latter to those created under the Regulations of 1802.

Under this system estates, of greater or less extent according to circumstances, are held by the proprietors direct from the Government, on payment of a fixed annual sum or "peishcush." This payment was fixed on the creation of the estate by a calculation of its actual proceeds at the time, and for some years previously, a deduction, generally of from 33 to 15 per cent., being made therefrom to cover the expenses of management, and to constitute (with the future revenue of the whole of the culturable lands then waste), the emoluments of the zemindar or proprietor.

The prominent defects of this system consist in the entire alienation of the waste lands from the State, and the degree of dependence in which all classes are practically placed under the zemindar. The powerful influence of the latter is also injuriously experienced in matters of police.

The zemindary tenure prevails chiefly in the Northern Circars, though there are large proprietary estates in other districts, as Madura, Nellore, North Arcot, &c.

In the village-renting system the villagers stand in the zemindar's position, and jointly hold from the Government. The village is rented to the whole body, or a section of them, for a term of years, and they make their payments direct to Government, managing their affairs independently, and allotting the lands for cultivation among themselves.

Under this system the middle-man between Government and the people is dispensed with, but there still remain the serious defect of joint responsibility, and the want of clearly defined individual property in the land.

Under the ryotwar system every registered holder of land is recognised as its proprietor, and pays direct to Government. He is at liberty to sub-let his property, or to transfer it by gift, sale, or mortgage. He cannot be ejected by Government so long as he pays the fixed assessment, and has the option annually of increasing or diminishing his holding, or of entirely abandoning it. In unfavourable seasons remissions of assessment are granted for entire or partial loss of produce. The assessment is fixed in money, and does not vary from year to year, except in those cases where water is drawn from a Government source of irrigation to convert dry land into wet, or one into two-crop land, when an extra rent is paid to Government for the water so appropriated; nor is any addition made to the assessment for improvements effected at the ryot's own expense. The ryot, under this system, is virtually a proprietor on a simple and perfect title, and has all the benefits of a perpetual lease without its responsibilities, inasmuch as he can at any time throw up his lands, but cannot be ejected so long as he pays his dues; he receives assistance in difficult seasons, and is irresponsible for the payment of his neighbours.

The assessment is fixed on each field, and the mode in which this was done is as follows: a certain portion of the produce was first set aside from the gross produce as a joint contribution of the ryot and Government for the pay of village officers, and the remainder divided in certain proportions, the share allotted to Government being commuted into money at the average value of the produce for a period of years antecedent to the settlement.

Unfortunately the share of Government was generally fixed too high, and the result of this over-assessment, increased as its pressure has been by the fall in the value of produce since the settlement was made, has never allowed the system a fair trial. Various restrictive rules also led to much interference with the ryots, though they were far from being a necessary consequence of the system. These restrictions are now being removed, and the reductions recently made or in progress, and the correct survey, classification, and re-assessment of the land now in progress, will do away with these disadvantages, and it may be expected that the superiority of a system which encourages industry and enterprise by being based on individual proprietorship will be more clearly evinced.

The "Annual Settlements" under ryotwary are often misunderstood, and it is necessary to explain that they are rendered necessary by the right accorded to the ryot of diminishing or extending his cultivation from year to year. Their object is to determine how much of the assessment due on his holding the ryot shall pay, and not to re-assess the land. In those cases where no change occurs in the ryot's holding, a fresh puttah or lease is not issued, and such parties are in no way affected by the annual settlement, which they are also not required to attend.

The greater portion of the Presidency is under ryotwary, and a correct understanding of its principles, when properly carried out, is therefore particularly desirable. To revert from ryotwar to the zemindary tenure would be to place a middle-man between Government and the people, to strike off from 15 to 33 per cent. of the existing revenue, and to alienate the waste lands which now afford Government the means of lightening the heavy assessments now prevailing. To have recourse to village rents would be to annul individual property in the land, and to make the community responsible for every member's shortcomings.

The ryotwary system essentially prevails universally, for the zemindar and village renter, equally deal with their tenants on this principle, and every system, be its name what it may, must, in the end, resolve itself into ryotwar.

The oolungoo-renting system prevails only in Tanjore and Tinnevelly, and is not general in either; its peculiarity consists in the Government demand being dependant on the current price of grain. On the introduction of the system, a standard grain assessment was fixed on each village, and also a standard rate, according to which the grain demand was to be commuted into money; but it was, at the same time, arranged, that if current prices in any year rose more than 10 per cent. above the standard commutation rate, or fell more than 5 per cent. below it, the Government and not the ryot was to receive the profit and to bear the loss. The profit up to 10 per cent. remains with the landowners, who also bear all loss by fall of price as far as 5 per cent. The advantages of the system are that the Government participates with the ryot in the benefit of high prices, while the latter is relieved from loss when prices are much depressed; its disadvantage consists in the difficulty that is experienced in obtaining accurate and fair returns of the current prices which are taken throughout the year.

BOMBAY.

Under the Bombay Presidency, "the revenue management" may be described in general terms as "ryotwaree," implying that, as a general rule, the occupants of Government lands settle for their land revenue, or rent, with the Government officers direct, and not through a middle man. It should be understood, however, that throughout the Presidency, instances not unfrequently occur in which the Government revenues of entire villages are settled for by individual superior holders, under various denominations, or by a co-partnery of superior holders; as instances of the former, the Khotee villages of the Konkan, and the talookdaree

Talookdaree estates of Guzerat may be adduced, while the latter are exemplified in the Bhagdaree and Neerwadaree tenure of the Broach and Kaira Collectorates.

In Sind, not many years ago, the revenue throughout was collected in grain by actual division of the crop; the grain was then sold by reserved auction, at artificially high, and sometimes even at famine, prices by the Government, as the great grain dealers of the country. The natural condition of the market, thus directly interfered with by the Government, was yet further forced by the circumstance of the Commissariat drawing the grain required for the troops at *nominal* prices from the Government grain stores. Great progress has been made in superseding this objectionable system by cash assessments, which have been already introduced into several districts of the Province. In the Shikarpoor Collectorate generally, but in Larkhana particularly, the advantages of a light and fairly distributed cash assessment have been most marked and beneficial. The tax payers are contented, and the Government demand is readily responded to.

A revision of assessment is now in progress throughout the Presidency, by which the amount payable on each field is determined according to its quality, and the amount so fixed is not liable to alteration for a term of 30 years.

PUNJAB.

In the Punjab one and the same man is usually absolute proprietor and generally the sole cultivator, though he may occasionally lease out a few fields to tenants. He is saddled with no rent. He has to provide for the cost of cultivation and for the Government demand; the rest of the produce he may devote to the maintenance of his family and the accumulation of his capital. But these men, while maintaining their individuality, do yet belong to village communities. A village is not inhabited by a certain number of ryots, each unconnected with the other, but by a number of persons of common descent, forming one large cousinhood, having their own headmen, accustomed to joint action and mutual support.

The British Government has from the first decided on levying the tax by money payments assessed for a term of years. The peasant proprietors compound with the State for a fixed period, such assessment and compounding being technically termed a Settlement. But the proprietors do not engage *individually* with the Government, but by *villages*. The brotherhood, through its headmen or representatives, undertakes to pay so much for so many years; and then, having done this, they divide the amount among themselves, assigning to each man his quota. Primarily each man cultivates and pays for himself, but ultimately he is responsible for his co-parceners and they for him; and they are bound together by a joint liability. The Punjab system, therefore, is not ryotwaree, nor zumeendaree; but the *village system*. In the Hills, and occasionally elsewhere, the zumeendaree system, and near Mooltan, something approaching to the ryotwaree system, may be found. But the village system is the prevalent one, especially in the most important districts.

The average rate of assessment per acre, per annum, in the Cis-Sutlej States, is 1 *r.* 2 *a.* 4 *p.*, or 2 *s.* 3 ½ *d.*; in the Trans-Sutlej States, 1 *r.* 15 *a.* 7 *p.*, or 3 *s.* 11 ⅝ *d.*; in the Upper Baree and Rechna Doabs, 1 *r.* 6 *a.* 5 *p.*, or 2 *s.* 9 ⅜ *d.*; in the Upper Chuch Doab, 1 *r.* 2 *a.* 7 *p.*, or 2 *s.* 3 ⅜ *d.* It will be observed that the rate diminishes as the settlement progresses westward, the country being poorer; the same result will occur in the southern districts. It is estimated that a peasant proprietor cultivates, on an average, eight acres, and, at a mean rate of assessment (say 1 *r.* 4 *a.* per acre), would pay 12 *rs.* or 1 *l.* 4 *s.* per annum to the State. From this point of view, the amount would not seem heavy. Again, from searching and accurate inquiry in the Settlement Department, showing the exact yield and value per acre of every kind of crop, it has been ascertained that the Government demand does not exceed one-fifth of the gross value of the produce in rich tracts, and one-sixth, or one-eighth, or even less, in poor tracts.

More complete information as to the system of revenue administration pursued in the North-west Provinces and in Bombay, will be found in the papers printed by order of the Honourable House on the 20th August 1853 (No. 999). Papers on the subject of the revision of the assessment of the Madras Presidency have also been printed as No. 51 of the present Session.

East India House,
June 1857.

J. S. Mill,
Examiner of India Correspondence.

EAST INDIA (TENURES OF LAND).

RETURN showing under what TENURES, and subject to what Land Tax, LANDS are held under the several Presidencies of *India*.

(*Mr. William Ewart.*)

Ordered, by The House of Commons, *to be Printed,*
22 *June* 1857.

112—Sess. 2. *Under* 1 *oz.*

BOMBAY (TITLES OF LAND COMMISSION).

RETURN to an Order of the Honourable The House of Commons, dated 27 July 1857;—*for*,

RETURNS "of the Date of the COMMISSION issued by the Government of *Bombay* for inquiring into the TITLES and resuming LANDS held in INAM, or RENT FREE, in hereditary Occupation by Native Landowners:"

"Of the DESPATCH or CONSULTATION in COUNCIL on which such Commission was founded:"

"Of the Number of ESTATES and Value of the RESUMPTIONS obtained by Government under such Commission:"

"And, of PROCEEDINGS in the Three First and Three Last TRIALS (Accounts of which have been received in this Country), where Lands have been resumed yielding a Rental respectively of £. 100 a Year."

East India House,
24 August 1857.

JAMES C. MELVILL.

(*Sir Erskine Perry.*)

Ordered, by The House of Commons, *to be Printed*,
28 *August* 1857.

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East India House,
24 August 1857.

J. S. Mill,
Examiner of India Correspondence.

RETURNS of the Date of the COMMISSION issued by the Government of *Bombay* for inquiring into the TITLES and resuming LANDS held in INAM, or RENT FREE, in hereditary Occupation by Native Landowners:—Of the DESPATCH or CONSULTATION in COUNCIL on which such Commission was founded:—Of the Number of ESTATES and Value of the RESUMPTIONS obtained by Government under such Commission:—And, of PROCEEDINGS in the Three First and Three Last TRIALS (Accounts of which have been received in this Country), where Lands have been resumed yielding a Rental respectively of £. 100 a Year.

EXTRACT BOMBAY REVENUE CONSULTATIONS, 21 June 1843.

(No. 3611.)

From the Revenue Commissioner, Southern Division.

Sir,

I HAVE the honour to acknowledge the receipt of your letter, No. 1045, of the 3d instant, respecting the investigation of the titles to inam lands in the Southern Mahratta Country, and, in reply, to represent that the observations in my former communication on this subject were not intended, as apparently understood by Government, to offer any proposition regarding the course to be adopted, but merely to submit for preliminary decision, whether the Government were prepared to entertain the project of appointing a Commission.

2. Being now instructed in para. 3, that Government is disposed, from the facts adduced by Mr. Goldsmid, to think that some active steps should be taken for the ascertainment of the rights of Government, and those of the claimants, to hold village and lands wholly or partially exempt from the payment of Government revenue, I proceed to examine the question more in detail, with a view to determining in what those measures should consist.

3. The extent of surwar enam and joree lands in the Southern Mahratta Country is shown to be enormous, and suspicions are entertained of a considerable portion being held in defective title. Of this, however, no intelligible estimate has yet been made. As regards the joree lands, I am of opinion that the new assessment will render the title to much of them of little value, and that it will consequently in many instances be abandoned. The lands of this description are also principally in the hands of district and village officers, the adjustment of whose remuneration will allow of a compromise as regards the title to the lands in their possession, including the surwar enam now enjoyed by them, to whose villages the titles, with a few exceptions, will, I conceive, be found to be valid; and of the surwar enam generally, a summary examination and comparison with the Poona duftur would probably establish the validity of perhaps one-half, and absolute invalidity of about one-fourth. The remaining fourth is what would remain for immediate inquiry, independently of the facts to be elicited by the survey.

4. If the Honourable the Governor in Council be of opinion that this summary examination could not be effected by the Collector, in communication with Mr. Goldsmid, a Commission might be immediately appointed, otherwise the necessity for its appointment would depend on the balance of cases remaining for detailed investigation after the deductions above adverted to.

5. For the assessment of the excess of surwar inam, and the adjustment of joree payment, I am inclined to Mr. Goldsmid's proposal in preference to that of Lieutenant Wingate, in his letter of the 17th September 1841, viz., to assess the whole of the land, and having fixed the rates on the acre, to collect them on the excess of land in one instance, and assign a fixed extent in surwar inam in the other,

other, instead of adjusting the difference under the head of inam kussar, in the manner proposed by the latter officer. This, however, I concur with Lieutenant Wingate in thinking, as expressed in para. 25, should be done by the survey, and could not be materially promoted by any intermediate inquiries.

6. In the event of the appointment of a Commission, Mr. Goldsmid's acquaintance with the Poona records renders him peculiarly qualified for the duty, and the proceedings might be conducted in the manner he proposes, more specific rules being laid down as precedents, during the inquiry, might suggest. But unless some equally competent person can be found to relieve him of his present charge, I could not recommend that the efficient execution of the survey be in any way sacrificed to the above object.

7. It will not, I hope, be inferred from the above observations that I am in any degree opposed to the most active measures for asserting the Government rights by the investigation of suspicious alienations. The doubts which occur to me are simply, whether, by awaiting the survey of one or two talookas, or through the medium of some preliminary estimate, to be obtained by a summary classification as above, more satisfactory data might not be acquired for deciding on the nature and applicability of the means to be employed. Should it, however, appear to Government that sufficient data already exist, I can have no hesitation in expressing my opinion, that the nomination of a competent person, specially for the conduct of this duty, is desirable; and a native judicial officer might be associated with him hereafter, as proposed by Mr. Goldsmid, if found to be requisite.

I have, &c.
(signed) *D. Blane*,
Revenue Commissioner,
Southern Division.

Revenue Commissioner's Office,
Dharwar District,
14 April 1843.

(No. 3612.)

From the Superintendent of the Revenue Survey, Southern Mahratta Country.

Sir,

It is of the greatest importance that the claims to enams in the two talookas now under survey should be investigated during the approaching monsoons, so that the whole of the cases may be settled before the revised assessment is introduced.

2. I have, therefore, most earnestly to recommend that a native judicial officer be at once associated with me, for the purposes indicated in my letter to the Revenue Commissioner of 9th February last, No. 131.

3. If Government accede to this recommendation, they may depend on the whole of the claims in the above-mentioned talooks being carefully and patiently investigated during the rainy season, at the close of the monsoon, when it will be necessary that I should move about the districts for survey purposes; what has been already done will enable his Honour in Council to determine whether or no it will be advisable to appoint a commission for the remaining talooks of the two collectorates.

4. If Government cannot comply with my request, that a native judicial officer be at once associated with me, I beg that I may be so informed, and I myself will, without such assistance, enter on the investigation; but for very many reasons, more especially as regards the appearance which it will have in the eyes of the native, I am of opinion that a native judicial officer of high character should be associated with me.

5. I trust I may be pardoned for requesting that the present application may have the early consideration of Government, as the rainy season is fast approaching, and therefore no time should be lost in issuing the necessary notices to the numerous claimants in the two talooks. Two months must, at the very least, be allowed

allowed on the notices for the claimants to draw up their statements, and adduce the necessary proof in support of the claims, and therefore, if favoured with even a very early answer, it will be the middle of July before decisions regarding any doubtful claims can be passed.

I have, &c.
(signed) *E. H. Goldsmid,*
Supt. Revenue Survey and Assessment,
S. M. Country.

Superintendent's Office,
Hooblee, Dharwar Collectorate,
4 May 1843.

P. S.—I do not send this letter through the Revenue Commissioner, as he is at a distant part of the collectorate, and therefore much time would be lost.

(signed) *E. H. Goldsmid,*
Superintendent, Revenue Survey.

(No. 3613.)

REPLY to the Revenue Commissioner.

Sir,

I AM directed to acknowledge the receipt of your letter, No. 291, dated the 14th April last, regarding the proposed investigation of claims to inam and jodee lands, in the Southern Mahratta Country, and in transmitting to you the accompanying copy of a communication from Mr. Goldsmid, superintendent of the Revenue Survey in that part of the country, to inform you that the Honourable the Governor in Council is disposed to think that a great benefit will be derived from that gentleman's at once undertaking the investigation, as proposed by him, in the two talookas of Hooblee and Nuolgoond, in which the survey operations are now in progress.

2. In order to save time, instructions have this day been issued direct to Mr. Goldsmid to enter on this duty immediately. The result of the measure will enable Government to judge of the expediency of extending it to the other talookas, either under his superintendence, or in such other manner as may, on consideration, appear advisable.

3. The Governor in Council concurs with Mr. Goldsmid in the advisability of a judicial native officer, if one can be spared, being associated with him to form a committee. As Moro Punt, the principal sudder ameen at Poona is, his Honour in Council understands, considered by Mr. Goldsmid as well fitted to assist him in these investigations, the Court of Sudder Adawlut has been requested to order that native officer to join Mr. Goldsmid at Dharwar without delay, unless it see insuperable objections to his being so deputed.

I have, &c.
(signed) *L. R. Reid,*
Chief Secretary.

Bombay Castle, 16 June 1843.

(No. 3614.)

REPLY to the Superintendent, Revenue Survey, Southern Mahratta Country.

Sir,

I AM directed to acknowledge the receipt of your letter, No. 178, dated the 4th ultimo, on the subject of the investigation to be instituted into titles to inam and jodee land in the Southern Mahratta Country, and in transmitting the accompanying copy of my letter of this date to the Revenue Commissioner, Southern Division, to inform you that the Honourable the Governor in Council authorises you immediately to enter on the investigation in the manner proposed by you, in the two talookas of Hooblee and Nuolgoond, in which the survey is at present carried on.

I have, &c.
(signed) *L. R. Reid,*
Chief Secretary.

Bombay Castle, 16 June 1843.

(No. 3615.)

To the Register to the Sudder Adawlut.

Sir,

It having been resolved by Government to associate Moro Punt, the principal sudder ameen at Poona (if he can be spared for the duty) with Mr. Goldsmid, Superintendent of the Revenue Survey in the Southern Mahratta Country, in the investigation which has been ordered, of claims to inam and jodee lands in that part of the country, I am directed to request that you will submit to the judges of the Sudder Adawlut the wish of the Honourable the Governor in Council, that immediate instructions may be issued to this officer to join Mr. Goldsmid at Dharwar without loss of time, unless the judges see insuperable objections to his being deputed on this duty.

I have, &c,
(signed) *L. R. Reid*,
Chief Secretary.

Bombay Castle, 16 June 1843.

Statement showing the Number of Inam Claims Received and Recorded in the Northern and Southern Divisions of the *Bombay* Presidency.

	NORTHERN DIVISION.				SOUTHERN DIVISION.				TOTAL.			
	Villages.	Umuls.	Estates.	Total.	Villages.	Umuls.	Estates.	Total.	Villages.	Umuls.	Estates.	Total.
otal shown in the Collectors' Accounts.	549 ½	2,159	29,745	32,453 ½	711	367	74,668	75,746	1,260 ½	2,526	1,04,413	1,08,199 ½
Recorded up to 30th April 1855.	357 ½	829	5,683	6,859 ½	531	332	41,667	42,530	888 ½	1,161	47,350	49,399 ½
Ditto - during year ending 30th April 1856.	39	81	627	747	17	8	706	731	56	89	1,333	1,478
Total Recorded - -	396 ½	910	6,310	7,616 ½	548	340	42,373	43,261	944 ½	1,250	48,683	50,877 ½
Remaining to be recorded -	153	1,249	23,435	24,837	163	27	32,295	32,485	316	1,276	55,730	57,322
Total Claims - - -	549 ½	2,159	29,745	32,453 ½	711	367	74,668	75,746	1,260 ½	2,526	1,04,413	1,08,199 ½
Adjudicated up to 30th April 1855.	35	- -	12	47	158	3	5,990	6,151	193	3	6,002	6,198
Ditto - during the year ending 30th April 1856.	27	3	49	79	25	- -	611	636	52	3	660	715
Total Adjudicated -	62	3	61	126	183	3	6,601	6,787	245	6	6,662	6,913
Remaining to be adjudicated	487 ½	2,156	29,684	32,327 ½	528	364	68,067	68,959	1,015 ½	2,520	97,751	1,01,286 ½
Total Claims - -	549 ½	2,159	29,745	32,453 ½	711	367	74,668	75,746	1,260 ½	2,526	1,04,413	1,08,199 ½
Specification of Decisions passed;												
Declared hereditary or permanent.	14	- -	- -	14	- -	- -	- -	2,934 $\frac{59}{210}$	- -	- -	- -	2,948 $\frac{59}{210}$
Ditto continuable for two or more lives.	- -	- -	- -	- -	- -	- -	- -	132 ½	- -	- -	- -	132 ½
* Ditto - to present incumbents.	15 ½	1	6	22 ½	- -	- -	- -	3,112 $\frac{46}{210}$	- -	- -	- -	3,134 $\frac{173}{210}$
Ditto - at once assessable	8 ½	1	54	63 ½	- -	- -	- -	608	- -	- -	- -	671 ½
Ditto - to be Surinjam -	24	1	1	26	- -	- -	- -	- -	- -	- -	- -	26
Total Decisions - -	62	3	61	126	- -	- -	- -	6,787	- -	- -	- -	6,913

* The estimated accession of revenue from these resumptions is *Rs.* 4,31,773. 6. 2; of which *Rs.* 1,58,467. 0. 9. have been, and *Rs.* 2,73,306. 5. 5. will, after the lapse of one, two, or three lives, be recovered.

MEMORANDUM.

THE abstracts of the proceedings furnished by the Bombay Gouernment (of which follow three cases), do not contain particulars of the yearly value of the land or tenure under investigation.

Subsequently to the passing of Act XI. of 1852 (copy of which is appended), under which claims to inams are judicially investigated, particular cases are no longer reported to the Court of Directors.

EXTRACT from the Proceedings of Government in the Territorial Department, Revenue, dated 30 October 1844. V. 7409 and 10.

From the Members of Commission for investigating Claims to Enams, &c., to Mr. Secretary *Townsend.* V. 7409.

Sir,

ON the claims of Bishtumbhut bin Ballumbhut bin Dewanbhut Joshee, aged 27 years, to enams in three villages of Old Hooblee.

1. This individual claims as suro enam the following lands, which, as he states, he now holds free of all dues to Government:

(A). In Krishnapoor a quarter of a mar of land, granted by Moro Bapoojee Sursoobedar to Dewunbhut bin Ballumbhut, his (claimant's) grandfather, in A.D. 1800.

(B). In Boodeehall half a mar of land, granted as that under (A).

(C). In Chebbee one mar of land, half of which was granted as the enam under (A), the other half being a more ancient enam of the date and particulars of the grant of which claimant pleads ignorance.

2. Claimant states that his father, Ballumbhut bin Dewunbhut, was occupant of all these enams at the introduction of the present Government; and that on his death, about A.D. 1836, he (claimant) succeeded to, and has since held them.

3. The lands thus held are entered as follows in the Government accounts:

	Acres.	Goontas.	A.
(A). In Mouza Krishnapoor $\frac{1}{16}$ of a puttee,* measuring - - - - - -	19	4	9
(B). In Mouza Boudeehal $\frac{6}{16}$ of a mar, measuring - - - - -	7	18	14
(C). In Cusba Chebbee $\frac{10}{16}$ of a mar, measuring - - - - -	19	25	12
TOTAL in Old Hooblee - -	46	9	3

4. The claimant in support of his title to the enams he holds in Krishnapoor, and to $\frac{8}{16}$ of the mar of land claimed by him in Chebbee, produces a sunnud, dated Soorsun Ehudee Meratain and Aluf, A.D. 1800, purporting to be issued by Moro Bapoojee Sursoobedar of the Carnatic, granting to Dewunbhut bin Ballumbhut Joshee, and to his heirs for ever, in consideration of his

* *Note.*—The lands of Krishnapoor are part divided in mars and part in puttees. In such villages it may sometimes happen that a sunnud on the village for a portion of a mar has been satisfied by the villagers putting the grantee in possession of an equivalent in that measured in puttees. Both are in practice arbitrary measures of quality as well as quantity, even in the same village.

his having impoverished himself by advancing money for the use of the Sircar, the following enams free of all dues to Government:

In Benguree	- - - - -	½ a mar of land.
Muriantimsagur	- - - -	½ a mar „
*Krishnapoor	- - - - -	½ a mar „
Gubboor	- - - - -	½ a mar „
*Boodehall	- - - - -	½ a mar „
Agrahartimsagur	- - - -	½ a mar „
*Chebbee	- - - - -	½ a mar „
Ayodhya	- - - - -	$\frac{1}{16}$ a puttee „
Koordekeree	- - - - -	$\frac{1}{16}$ a puttee „
Ahobalapoor	- - - - -	$\frac{1}{16}$ a puttee „

* *Note.*—Those marked thus are villages to which the claims under inquiry in this report refer.

being in ten villages three and a quarter mars, and three-sixteenths of a puttee of land.

5. In support of his title to the second half of the land he claims in Chebbee, Bishtumbhut produces a warrant, purporting to have been issued in Soorsunsuba teesain Aluf, A.D. 1696, by the "Dewan of the tanna at Cusba Chebbee," to the patell and coolkurnee of the said cusba, informing them that he had granted to Ballumbhut bin Roosheebhut, as a reward for a successful prophecy, an enam† of half a mar of land in their cusba, and directing them to mark out the bounds of so much land, and make it over to the enamdar without further authority.

† *Note.*—Specified as hereditary, or the contrary.

Claim (A.)

6. There are not any jumeen jharas for the village of Krishnapoor forthcoming of a later date than the sunnud of Moro Bapoojee, but in a general jumeen jhara of the mahal of Old Hooblee, dated in A.D. 1807, found in the Dharwar dufter, an enam of one-sixteenth of a puttee of land is entered as held by Dewanbhut Joshee (the grantee of the sunnud now produced), and a note is appended to the entry of this and certain other of his enams, stating that they were granted (as claimant now states) during the administration of the mahal by Ragho Babajee, a mamlutdar, under Moro Bapoojee Sursoobedar.

7. An entry of a similar extent of enam is found in a jumeen jara of the same mahal for A.D. 1811, brought from the Poona duftur, these two documents being the only ones bearing on the investigation of this claim, which have been discovered in the Government records.

Claim (B.)

8. The claim to the inam in Boodehal depends for its title on the same sunnud as that last mentioned. The sunnud grants half a mar, or eight anas. But the enam actually held by claimaint is entered as only six anas of a mar in the Government accounts.

9. There are jumeen jharas of Boodehal for five separate years later than the date of claimant's sunnud, all found in the Dharwar duftur. The first of these is for A.D. 1803, and in it the enam claimed is not entered at all. There are two copies of a second for A.D. 1804, in one of which an enam is entered to the name of Dewanbhut, but in different ink and handwriting from the rest of the jumeen jhara, the totals of which are altered so as to correspond in all places but one; but the alteration is made so very perceptibly, and with such a total absence of anything like concealment, that it could scarcely have been done with a fraudulent intention, and more resembles a correction than a fraudulent erasure. The other copy of the same year contains the same entry without blot or erasure, and with a note that the enam was granted in the time of Moro Bapoojee's mamlutdar Rugho Bapajee. The enam enjoyed is not, however, entered in either of these as eight-sixteenths, according to the sunnud produced, but as only six-sixteenths of a mar.

10. In the jumeen jhara of the mahal of Old Hooblee for A.D. 1807, found at Dharwar, and alluded to in the Committee's observations on the claim (A.), an entry of an enam of the same extent, six-sixteenths of a mar, in Boodehal is found to the name of Dewunbhut, noted as one of the enams of the time of Moro Bapoojee's mamlutdar Rugho Bapajee, and the similar document of A.D. 1811, brought

brought from the Poona duftur, contains (though without any note) a corresponding entry.

Claim (C.)

11. The claim to a mar, or rather to two separate halves of a mar of land in Cusba Chebbee, being supported by two different title-deeds, requires a separate analysis of each title. The latter in point of date, being that supported by the sunnud already noticed in the claims (A.) and (B.) will be first investigated.

12. There is no village jumeen jharas of Chebbee forthcoming of later date than Moro Bapoojee's sunnud; but in the mahal jumeen jharas of A. D. 1807 and 1811, mentioned in paragraphs 4 and 5, Dewunbhut's enam, half a mar of land at Chebbee is entered, being noted in the former of these documents as an enam of the time of Moro Bapoojee's mamlutdar Ragho Babajee.

13. With regard to the remainder of his enam at Chebbee, estimated by him at half a mar (though incorrectly, and evidently only with a desire to make his claim answer to the Dewan's warrant of A. D. 1696, which he asserts is his title for it), it is impossible to identify the enam held by the claimant with that of the warrant. A jumeen jhara of Chebbee for A. D. 1782, shows the "Joshee's enam" in that year to have been two-sixteenths only of a mar, and recites it to have been the same since the days of the jhageerdars, which closed in A. D. 1778, while there is nothing to show that an enam answering to that of the warrant was ever enjoyed at Chebbee.

14. In the mahal jumeen jharas of A. D. 1807 and 1811, found respectively, as already mentioned, in the Dharwar and Poona dufturs, besides the enam of half a mar granted to Dewanbhut by Moro Bapoojee, there is the same original enam of only two-sixteenths of a mar entered; and in short there is no document, either old or new, to show that claimant's family has ever, or at least within many years, held an enam answering to that described in the Dewan's warrant, but much evidence to the contrary.*

15. It is not, therefore, of consequence that there is no conclusive proof of the authenticity or otherwise of the warrant of A. D. 1696, as, in the first place, the giver of it was not an officer competent to alienate Government lands in perpetuity; in the second place, the warrant does not profess to give an hereditary grant; and, lastly, the enam held by the claimant not answering to the specification of the warrant, depends for its continuance rather on the length and nature of the enjoyment actually proved, than on the original title asserted.

16. The Committee will now offer some observations on the degree of confidence they consider due to the documentary evidence produced by the claimant as regards its authenticity, but the value of the Dewan's warrant of A.D. 1696 having been analysed in the preceding paragraph, they will confine their further remarks to that purporting to have been issued by Moro Bapoojee.

17. It appears from the late Mr. Thackeray's memoranda, that when his inquiry into the titles to enams in these districts was commenced in A.D. 1819, there was not any sunnud forthcoming for the enams not claimed by Bishtumbhut Joshee. The claimant, on being examined on this point, professes ignorance of what was done or omitted at that inquiry, as his father Ballumbhut, who at that time held the enams, is dead. But he declares that he found the sunnud in its present condition in his house. It is indorsed with a certificate, signed "A. Campbell," Assistant Collector; that it was shown to him on the 29th November, 1834, but does not appear to have been produced on any previous occasion.

18. The sunnud, moreover, disagrees more or less within the jumeen jharas of the following villages mentioned in it; viz. those of Gubboor, Brodeehal and Koordekeree,

* *Note.*—Since the draft of this Report was commenced, the claimant in this case, Bishtumbhut himself, being called as a witness to produce a document as proof in the case of a relation of his, Viroopakshbhut (the Committee's Report on whose claims is numbered 14 of the present series of reports on Old Hooblee), has produced a takeed of A. D. 1805, in which his (Bishtumbhut's) grandfather, Dewanbhut, is said to have an enam at Chebbee of two-sixteenths of a mar of land. Bishtumbhut's reason for withholding this document during the investigation of his own claims, and producing that recorded in para. 5 of this Report, in which the Joshee's inam is stated to be four times as great, is very evident. His production of it now is, however, a corroboration of the opinion formed without it by the Committee as to his claims in Chebbee.

Koordekeree, as well as with the two mahal jumeen jharas referred to in paragraphs 4 and 5, which show in several instances a variance between the terms of the sunnud and the actual enjoyment of Dewanbhut's enams mentioned in them.

19. The discrepancy, however, between the enams entered on the jumeen jharas and those granted by the sunnud, cannot fairly be taken as evidence sufficient to cause a presumption that the latter is a fabrication, for the entries in the jumeen jharas do not profess to have been copied from the title-deed, but are the mere statements of the actual enjoyment, which does not invariably follow the terms of the original grant.

20. The sunnud, from its non-production at the investigation in A.D. 1819, is one of those documents which, according to the instructions contained in the Government Circular No. 3255, of 1840,* should be viewed with much distrust were it now brought forward for the first time; but as the holder of the enams in A.D. 1819, cannot have an opportunity of explaining (as it is possible he might do satisfactorily) the reason of its non-production in that year, and as it certainly was produced in A.D. 1834, the Committee are of opinion that this cause of distrust is also insufficient to warrant their looking on the sunnud as a forgery.

* Quoted as Rule III. in the accompaniment to the Committee's letter.

21. As far as intrinsic evidence can be relied on, it is in favour of the authenticity of the sunnud. The seal is so far legible as to be capable of identification with that of Moro Bapojee Sursoobedar, and the writing has nothing in its appearance to create suspicion of its genuine state, but the contrary.

22. The Committee therefore think that the enams held by this claim, and in Krishnapoor and Boodeehall, and half a mar of that in Cusba Chebbee should, according to Rule I. of the first division of the Enam Code of the 23d June 1842,† be declared hereditary to the occupant and his descendants, and that the actual (not the asserted) remainder of the enam in Chebbee, viz., two-sixteenths of a mar of land, which appears to have been enjoyed at least 40 years, though not proved to have existed 60 years before the introduction of the British Government, and which was at that period in the hands of Ballumbhut Joshee, the first in descent from the oldest occupant of whom the Committee can find any record, should under Rule II. of the second division of the same compilation, be continued till the death of the son of the said Ballumbhut, viz., till the death of the claimant Bishtumbhut, after which it should be brought under assessment.

† Quoted under head I. in the compilation which accompanied the Committee's letter.

(signed) *H. E. Goldsmid,*
W. Hart,
Members of Commission for Investigating Claims to Enams, &c.

Dharwar, 20 July 1844.

(No. 3834 of 1844.)

No. 7410. From Mr. Secretary *Townsend* to the Members of the Commission for investigating claims to Enams in the Southern Mahratta Country.

Gentlemen,

I AM directed by the Honourable the Governor in Council to acknowledge the receipt of your report, dated the 20th July last, on the claim of Bishtumbhut bin Ballumbhut bin Dewunbhut Joshee, to the following enam grants in the mahal of Old Hooblee, viz.,

In Krishnapoor	- - -	$\frac{1}{4}$ mar of land.
In Boodeehall	- - -	$\frac{1}{2}$ „
In Chebbee	- - -	1 „
TOTAL	- -	$1\frac{3}{4}$ mar.

2. In reply I am desired to acquaint you that his Honour in Council concurs in the conclusions at which you have arrived, with respect to these claims as summed up in the 22d para. of your report, and accordingly authorises the continuance to Bishtumbhut hereditarily of the lands claimed in Krishnapoor and Boodeehall, and half a mar of land in Chibbee.

3. The

3. The invalidity of the claim to the other half mar in Chibbee is proved in your 13th to 15th paras. and the true extent of the grant shown to be two-sixteenths of a mar. This latter quantity should, I am desired to add, be continued during the life of Bishtumbhut, the present incumbent, but if any excess be found in his possession, it should immediately be resumed.

I have, &c.

Bombay Castle,
30 October 1844.

(signed) *E. H. Townsend,*
Secretary to Government.

EXTRACT from the Proceedings of Government in the Territorial Department, Revenue, dated 27 December 1844. V. 8212 and 13.

From the Members of Commission for investigating Claims to Enams, &c. to Mr. Secretary *Townsend.* V. 8212.

ON the claims of Husan Khan Wullud Mahomed Elias Khan Wullud Abdool Kadir Khan Tereen, Jagheerdar, aged 32 years, to enams in three villages of Old Hooblee.

1. This individual claims, as joodee enam, the following lands:

(A.) In Krishnapoor a mar of land, which he states was granted to Shah Mahommed Khan, the grandfather of his (claimant's) grandfather, but when he does not know.

(B.) In Muriantimsagur, a mango garden, the extent of which he does not know, granted as (A.)

(C.) In Pursapoor, two gardens, granted as (A.)

2. At the introduction of the present Government, all these enams were in the hands of Government.

3. The above enams continued in the hands of Government till A. D. 1833, when they were by order of Mr. Elliott, sub-collector of Dharwar, given up to the claimant at a joodee rent of 44 rupees per annum.

4. The lands so held are entered in the Government accounts as follows:

	Acres.	Goomtas.	Anas.
(A). In Mouza Krishnapoor 3¾ anas of a puttee of land, measuring - - - - - - - - -	32	27	6
(B). In Mouza Muriantimsagur, not entered.			
(C). In Mouza Pursapoor, one garden is not entered on the enam chittee, the other is entered as one ana of a puttee - - - - - - - - - -	9	24	0
Total, in Old Hooblee measurement, unknown.			

5. The claimant, in proof of his title, produces five documents, being all orders of Mr. Elliott, sub-collector of Dharwar, dated from A.D. 1832 till 1833, which show that in the former year, claimant represented to Mr. Elliott that certain mango trees, planted by his ancestors, when jageerdars of Old Hooblee, in the villages of Krishnapoor, Muriantimsagur, and Pursapoor, not having been of late years enjoyed by him, owing to his absence, had been taken possession of by the Sircar, and let out in annual farm. He therefore prayed for the restitution of them, and of an old enam garden at Muriantimsagur, belonging to his family, but which was also, from the same reasons, in the hands of Government; at the same time expressing his readiness to pay, as quit-rent, the sum now annually realised by the Government farm, on which Mr. Elliott finding that the average annual produce of the three amraees was 133 rupees, and that they had been, as asserted, planted at the expense of the Tereen family, ordered that they should be restored to the claimant at a fixed annual jodee (or quit-rent) of 44 rupees, being one-third of the above sum, and that the old enam garden in Muriantimsagur should be let to him at the average sum realised by the auctions of past years, viz., 110 rupees, being an aggregate of 154 rupees per annum for all his holdings. (A.) (B.) and (C.)

6. A good deal having been said in the introductory remarks about claimant's ancestors,

ancestors, it is needless to recapitulate any of their history here*, save that, having lost their jagheer of Old Hooblee in A.D. 1778, they do not appear to have held the lands, now claimed as enam, from that period until they were made over as above shown to claimant in A.D. 1833, at a fixed quit-rent for the whole.

7. Claimant's title, as enamdar, in either of these villages, will not stand the test prescribed for such claims by the enam rules of 1842. It is probable, however, from the comparatively large amount of his present joodee, that he will actually gain by having his lands brought under the regular assessment of the revised survey.

8. The Committee would recommend that the claimant be allowed to hold the alleged enams as Government "khalsat" only, † and the assessment to which the quality of their soil, &c. may subject them, without reference to the circumstance of the land being planted with mango trees, the usufruct of which should belong to the tenant.

† *Vide* para. 38 of Committee's introductory report on Old Hooblee.

(signed) *E. H. Goldsmid,*
W. Hart,
Members of Commission for investigating Claims to Enams, &c.

Dharwar, 22 July 1844.

(No. 4201 of 1844.)

V. 8213. From Mr. Secretary *Townsend* to the Members of Committee for investigating Claims to Enams, &c.

Gentlemen,

WITH reference to your report, No. 12, dated the 22d July last, on the claims advanced by Hussan Khan Wullud Mahommed Elias Khan Wullud Abdool Kadir Khan Tereen, jagheerdar, to inams in three villages of Old Hooblee; I am directed to inform you that it appears to the Honourable the Governor in Council, that Mr. Elliott, sub-collector of Hooblee, acted wholly without authority in giving these lands to this individual, as jode inam.

2. Whenever the survey rates are introduced into these villages, the regular assessment should, I am instructed to observe, be levied from all these lands, on the terms suggested in para. 8 of your present report. In the meantime they should be entered as Government assessable land, and merely in the occupation of the claimant, all entry as "inam" being avoided.

I have, &c.
(signed) *E. H. Townsend,*
Secretary to Government.

Bombay Castle,
23 November 1844.

EXTRACT from the Proceedings of Government in the Territorial Department, Revenue, dated 6 December 1844. V. 8490 and 91.

V. 8490. Old Hooblee, Series No. 1, Report No. 6.

ON the claim of Toolsowa, widow of Sheshacharia bin Mhadorung Acharia bin Shreenuwas Acharia Gotoor, aged 30 years, to an enam in Krishnapoor of Old Hooblee.

1. This individual claims, as suro enam in the above village, one ana of a puttee of land, on the ground that it was originally granted by Mahommed Hassan Khan Tereen, jagheerdar of Old Hooblee, to one Ningupa Nagree Nilgar, in A. D. 1776, and transferred by Eknath Nilgar, son of the latter, to Mhadorung Acharia, father of her deceased husband, in A. D. 1817.

2. She

* It may, however, be as well to correct an error made by claimant, who states the jagheer of Rayur Hooblee to have been given to the founder of his family by one of the Beejapoor kings, having been in fact granted by the Emperor of Delhi on the subjugation of Beejapoor.

2. She states that the occupant at the introduction of the present Government was the said Mhadorung Acharia, who was the assignee of the son of the original grantee, one generation having passed since the grant; and the enam being forty-three years old, though scarcely one year in the hands of claimant's family.

3. Mhadorung Acharia continued to hold the assigned enam till about A.D. 1832, when he died, and was succeeded by the claimant, his son's widow, who has since enjoyed it.

4. The land held as above is entered in the Government accounts as one-sixteenth of a puttee of land, 13 acres 37 goontas 9 ½ anas.

5. The claimant produces in proof of her title the following documents:—

First, a "cowluama," or agreement, purporting to be executed by Mahommed Hassan Khan Tereen, killedar and foujdar of Rayur Hooblee, in Soorsun Khumus Subaeen Meia and Aluf, A. D. 1774, to Fukeerana bin Mulkana Nagree Nilgar, reciting that a certain field in Krishnapoor had formerly been granted to the said Nagree for a mango orchard, in which he had laid out a considerable sum of money, but that the field being required by the Sircar had now been given up, in consideration of which the said Fukeerarana Nilgar was now granted another field of six hoons in enam.

Secondly, a takeed, by the same authority and of the same date, addressed to the district officers, informing them that he (the jagheerdar) had granted a field of six hoons, in Krishnapoor, to Bhirkapa bin Mulkana Nagree Nilgar, for a mango orchard as an hereditary enam, and enjoining them to respect the grant.

Thirdly, a takeed purporting to be issued by Dhondo Wiswanath Sursoobedar of the Carnatic, on the 2d Jilkad Soorsun Suman Ashur Meiatun and Aluf. A.D. 1817, addressed to Tammajee Venaik, mamlutdar of Old Hooblee, informing him that Mhadorung Acharia bin Shreenuwas Acharia, had represented that a field of six hoons, formerly granted by the jagheerdar of Old Hooblee to Ningupa Nilgar, had been assigned by the latter to him; and had petitioned for a continuance of the enam. Wherefore he, the mamlutdar, was desired, if the said Nilgar really did hold the field of six hoons as enam, to continue it to the Acharia without further authority.

And fourthly, a takeed purporting to be issued by Tummajee Venaik, mamlutdar of Old Hooblee, on the 5th Jilkad Soorsun Suman Ashur Meratain and Aluf A.D. 1817, to the village authorities of Krishnapoor, reciting, that Mhadorung Acharia bin Shreenuwas Acharia had obtained a grant from Eknath Nilgar of part of a field of six hoons held by the latter under an enam puti of Mahommed Hassan Khan Tereen, dated Soorsun Khumus Sabaeen Meira and Aluf A.D. 1774, the whole field having been originally granted to the Nilgar for a mango orchard, but only a part used for that purpose, and the remainder, 15 beegas, being now made over by the Nilgar to Mhadorung Acharia, the latter having obtained from the Sursoobedar a letter,* enjoining that the enam be continued to him, which injunction they (the village authorities) were ordered to respect.

* *Vide* that last quoted.

6. On looking at the documents produced by the claimant some discrepancy may be remarked in the names, the most remarkable of which is, that between the name of the grantee in the jagheerdar's sunnud, and in the takeed of the same date in the former, the name being Fukeerana bin Mulkana, and in the other Bhikapa bin Mulkana. There is not, however, as far as this discrepancy goes, any appearance of fraud, and the discrepancies alluded to will be cleared up by an examination of the following genealogy; not produced, it is to be remarked, by the present claimant, but by him who is the subject of report No. 4, as part of his proof in an entirely different claim, and therefore not liable to be suspected of being fabricated for the present one.

MULKANA NAGREE NILGAR.

1.	2.	3.	4.
Ningupa.	Fukeerana, dead, with issue.	Mookoondapa, dead, without issue.	Bhikapa, dead, without issue.
Eknath assignor to the father of claimant's husband.			

From this it appears that the original grant was made to the sons of Mulkana, the son of the survivor of whom transferred his interest in it to Mhadorung Acharia.

7. The amraee enam of Fukeerana Nilgar is entered in the Krishnapoor jumeen jhara of A.D. 1782, as half one-sixteenth of a puttee of land, subject to the full annual tax of six hoons (or 19½ rupees) mentioned as the assessment of the land in the original sunnud. It is not entered at all as enam in the mahal jumeen jharas of A.D. 1807 and 1811, but appears to have been all along included in the sirkaree land up till the year the present Government took possession of the district, just before which event the takeed of the Sursoobedar Dhondo Wiswanath is dated.

8. Even supposing that officer to have had power to renew a lapsed enam in A.D. 1817, the takeed he issued was only a conditional one,* and its conditions do not seem to have been fulfilled by the state of the alleged enam at that period, the soil of which was at all events included in the sirkaree khalsat of the village, though there is no proof of the fruit trees upon it having been taxed, or the contrary.

* Viz., the land was to be continued as enam, if previously held as such.

9. The Committee are of opinion, as suggested in the 38th para. of their introductory report on Old Hooblee, that this land should not be any longer recognised as an enam, but that the claimant should be permitted to hold it at the rate of assessment usual for such soil, without reference to the fruit trees upon it, the usufruct of which should belong to the tenant.

(signed) *E. H. Goldsmid,*
W. Hart,
Members of Committee for investigating Claims to Enams, &c.

Dharwar, 20 July 1844.

(No. 4314 of 1844.)

V. 8491. From Mr. Secretary *Townsend* to the Members of the Committee for investigating Claims to Enams, &c.

Gentlemen,

ADVERTING to your report, No. 6, dated the 20th July last, on the claim of Toolsowa, widow of Shesh Acharya bin Mhadorung Acharya Gotoor, to an enam in Krishnapoor of Old Hooblee, I am directed to inform you, that the judgment formed by you in this case appears to the Honourable the Governor in Council clear and correct; he is therefore pleased to authorise this widow to retain the land during her life, at half the usual rate of assessment, and without reference to the fruit trees, the benefit of which she may also have, as you have proposed.

I have, &c.
(signed) *E. H. Townsend,*
Secretary to Government.

Bombay Castle, 30 November 1844.

ACT No. XI. OF 1852.

Passed by the Governor-General of India in Council on the 13th February 1852.

AN ACT for the Adjudication of Titles to certain Estates claimed to be wholly or partially Rent-free in the Presidency of Bombay.

WHEREAS in the territories of the Deccan, Kandeish, and Southern Mahratta Country, and in other districts more recently annexed to the Bombay Presidency, claims against Government on account of inams and other estates wholly or partially exempt from payment of land revenue are excepted from the cognizance of the ordinary civil courts, and incapable of being justly disposed of under the rules

rules for the determination of titles, and the rules of procedure contained in chapters 9 and 10, of Regulation XVII. of 1827 of the Bombay Code and their supplements; and whereas it is desirable that the said claims should be tried and determined without further delay; it is declared and enacted as follows:

I. The rules in chapters 9 and 10 of Regulation XVII. of 1827, and in clause 1 of Regulation VI. of 1833 of the Bombay Code, do not apply to any of the districts of the Bombay Presidency which were not brought under the general regulations of Government by Regulation XXVIII. of 1827 of the Bombay Code; and no order hitherto passed regarding the continuance or resumption of lands in any of the said districts held or claimed from Government as wholly or partially free of assessment, shall be liable to be questioned in any court of law, on the grounds of any interpretation or construction of the law which may be inconsistent with the declarations made and the rules prescribed by this enactment.

II. The Governor of Bombay in Council may appoint in any zillah or other division of the territories subject to the Presidency of Bombay, which were not brought under the general regulations of Government by the said Regulation XXVIII. of 1827, an Inam Commissioner with so many assistants, and such subordinate establishment, as may be necessary for the purposes hereinafter mentioned.

III. The duties of each Inam Commissioner and his assistants shall be discharged according to the rules in Schedule (A.) annexed to this Act.

IV. In the adjudication of claims to exempt lands or interests therein, the titles of claimants shall be determined by the rules in Schedule (B.) annexed to this Act.

V. Each Inam Commissioner and his assistants shall have the same authority to procure the attendance of witnesses, and to take evidence, as now is, or from time to time may be, by law vested in the ordinary civil courts; and so far as concerns the penalties for not giving evidence, for false testimony, for resistance of process, contempts, and other like matters, connected with cases under cognizance by any one of the said officers, his office shall be held to be a court of civil jurisdiction of the same authority as the superior civil court of the zillah or district in which his office from time to time shall be established: Provided that all complaints against, or appeals from the proceedings of the Inam Commissioner or any of his assistants, in exercise of the authority conferred on them respectively by this section, shall be made under the second rule of Schedule (A.) annexed to this Act, and shall not be cognizable by any other authority or in any other manner than as therein specified.

VI. Bribery, extortion, and generally all acts of abuse, or misapplication of authority, or other misconduct, committed by any officer belonging to the establishment of the Inam Commission, or temporarily employed therein under the provisions of this enactment, shall be punishable as criminal offences with fine and ordinary imprisonment without labour for a period not exceeding five years, and the receipt of a present, directly or indirectly, by any such officer from any person against whom or in whose behalf he may be officially employed, shall be considered extortion; and no penalty or punishment adjudicated under this clause shall preclude any other civil prosecution to which the offender may be liable.

VII. No decision or order of the Inam Commissioner, or of any of his assistants, or of the Governor in Council, under the provisions of this enactment, so long as the same shall be in force under such provisions, shall be questioned or avoided in any court of law; and no commissioner or assistant commissioner, or other person acting under the provisions of this Act, shall be liable to be sued in any civil court for any act *bonâ fide* done or ordered to be done by him in pursuance of the said provisions.

Schedule (A.)

Rules for defining the Duties of each Inam Commissioner and his Assistants.

1. The duty of the Inam Commissioner and his assistants shall be to investigate, in the manner prescribed by this enactment, the titles of persons holding or claiming against Government the possession or enjoyment of inams or jagheers, or any interest therein, or claiming exemption from the payment of land revenue, and generally to act according to the instructions of Government in all matters not specifically provided for in this enactment.

2. All orders of the assistant commissioners shall be appealable to the Inam Commissioner, who shall also have the authority of revising and of modifying, reversing or annulling, if necessary, their orders and proceedings, and the orders and proceedings of the Inam Commissioner shall be in like manner appealable to, and subject to modification, reversal, or annulment by the Governor of Bombay in Council, whose orders shall in every case be final.

3. The Inam Commissioner or his assistants shall receive from the persons holding or claiming to hold lands or any interest therein exempt from the payment of revenue, statements explaining the nature of the title by which the lands or interests are so held, and shall take and record the evidence offered in support of such statements.

4. These statements may be received, either directly by the officers of the Inam Commission, or through the medium of the revenue authority of the talooka in which the land or interest so held or claimed as exempt is situated, or in which the alleged proprietor resides, without any previous procedure, except a general invitation to such landholders of a district who shall hold or claim to hold lands exempt as aforesaid to state the nature of their titles.

5. But when such general invitation is not sufficiently attended to, a notice may be issued to any party holding or claiming to hold any lands or any interest therein wholly or partially exempt as aforesaid, requiring him personally, or by his agent, to show his title. The notice issued in such cases shall state the nature of the investigation which is intended, and shall call upon the alleged proprietor of the exempt lands or interest held or claimed to be held exempt as aforesaid, to attend either personally or by an authorised agent, at a specified place, and within a specified period (which shall never be less than two months from the date of the notice being served), to explain the nature of his title to hold such lands or interest exempt as aforesaid, and to produce all the evidence forthcoming to prove it; the notice shall further explain that a failure to comply with its terms will render the land, or interest to which it relates, liable to attachment.

6. The notice shall be served upon the party holding or claiming to hold the land or interest exempt as aforesaid, or if his place of residence be not known, upon the person acting for him, or in default of such, upon the person in charge of the land or interest.

7. If such persons cannot be found, a notice shall be posted in the office of the native revenue officer of the district, and in the chouree, or most public place of the village, where the land or interest under inquiry is situated, calling on any person who may claim as proprietor to appear, either personally or by his agent, to prove his title within six months from the date of the notice, under penalty of the attachment of the land or interest, and on failure of the appearance of a claimant, the land or interest shall be liable to attachment.

8. The attachment provided for by Rules 5 and 7 shall be enforced by the Collector or chief revenue authority of the district in which the land to which it relates is situated, at the written requisition of the Inam Commissioner or his assistant, which shall be a sufficient warrant to the Collector for the attachment of the land, and for the collection of the rents accruing therefrom on account of Government during its attachment.

9. As

9. As soon as possible after the receipt of the statements in each district, and of the evidence by which they are supported, they shall be tested by the entries in the Government accounts and State records, and by any other evidence procurable, whether in favour of Government or of the claimants, and decisions shall then be passed on them as to the continuance, resumption, or full or partial assessment of the lands.

10. In cases where the notices provided for in Sections 5 and 7 fail to procure the attendance of the persons to whom they are addressed, and no claimant appears to prosecute his claim, the Commissioner or assistant commissioner shall proceed to ascertain the facts of the case from such evidence as may be forthcoming or procurable, and shall pronounce such decision thereupon as to him shall seem just regarding the lands or interests to which the notices referred.

11. An attachment enforced under Rule 8 shall be removed by the Collector or chief revenue authority by whom it was made, on receipt of a communication from the Inam Commissioner or his assistant, certifying that he considers the attachment to be no longer necessary; but the rents collected from the land during its attachment shall in no case be restored to the alleged proprietor, except under the general or special instructions of Government.

12. Certified copies of decisions, made according to the provisions of Rule 9, shall be delivered as soon as possible after each decision is passed, to the persons on whose claims the decision shall have been pronounced, or their agents; and copies of all decisions made in the absence of any claimant, according to the provisions of Rule 10, shall be sent to the mamlutdar, or other revenue manager of the talook in which the lands to which they relate are situated, who shall deliver them to the parties affected by them, should they be discoverable, or otherwise cause them to be publicly posted in the village to which the lands in question belong.

13. Decisions, affecting any lands or any interests therein, passed under this enactment, shall be carried into execution by the Collector or chief revenue authority of the district in which the lands to which they relate are situated, at the requisition of the Inam Commissioner or his assistant, in any manner which may, from time to time, be prescribed by the Governor of Bombay in Council.

14. In all cases where a person may be desirous of appealing against any decision of the Inam Commissioner or his assistants, he shall apply by a petition, addressed to the authority by whom, according to Rule 2, his appeal is cognizable, which petition shall be presented to such authority within 100 days from the date of the decree appealed against, a copy of which must accompany the petition of appeal, and no appeal which is not so made shall be admitted, without proof of the existence of a just and necessary cause for its not having been preferred in due time; and it is hereby provided, that no decree passed by the Inam Commissioner or any of his assistants, shall be liable to be set aside for want of form in the proceedings, but only for matters affecting the justice of the decision.

Schedule (B.)

Rules for the Adjudication of Titles to Estates claimed as Inam, or exempt from Payment of Land Revenue.

1. All lands held under a specific and absolute declaration by the British Government, or any competent officer acting under it, that they were to be continued hereditarily or in perpetuity exempt, wholly or partially, from the payment of revenue, are to be so continued according to the purport of such declaration.

Regarding inams already declared permanent by competent authority since the introduction of the present Government.

Provision 1.—If any question shall arise as to the competency of the officer to make or give such declaration as aforesaid, the commissioner or assistant commissioner is to suspend his judgment, and report the circumstances of the case to the Governor of Bombay in Council, to whom a power is hereby reserved of determining finally whether such officer was competent to make or give such declaration, and the commissioner or assistant commissioner, upon receiving the determination of the said Governor in Council, shall decide accordingly.

Regarding claims to personal inams, not yet adjudicated under the present Government.

2. Any land held under a sunnud declaring it to be hereditary, shall be so continued according to the terms of the sunnud.

Provision 1.—Provided that the grant was either made, or specifically recognised, by authority competent to alienate government revenue in perpetuity, the question of which recognition and competency is to be referred to and determined by Government in the manner prescribed by Provision 1, Rule 1.

Provision 2.—And provided that there be nothing in the conditions of the tenure which cannot be observed without a breach of the laws of the land, or the rules of public decency.

Provision 3.—And provided that the grant was not afterwards revoked or disallowed, or an alteration of its terms ordered or recognised by a competent authority.

3. All lands uninterruptedly held as wholly or partially exempt from assessment for a period of 60 years before the introduction of the British Government, and then in the authorised possession of a grandson in male descent, or male heir of the body of such grandson of the original grantee, shall continue to be so held so long as there shall be in existence any male heir of the body of the person who was incumbent at the introduction of the British Government, tracing his lineage from such incumbent through male heirs only.

4. All lands, uninterruptedly held as wholly or partially exempt from assessment, for a period of 40 years before the introduction of the British Government, and then in the authorised possession of a son, or male heir of the body of a son of the original grantee, are to be continued for one succession further than that of the person who was incumbent at the introduction of the British Government, that is, until the death of his last surviving son.

Provision 1.—The authorised possession contemplated by Rules 3 and 4 does not involve the necessity of proving any specific authority from, or recognition by the Government or paramount power. The mere entry of the holding, as continued in the genuine accounts of the district officers (even in those not audited and passed by the Government of the time being), will be sufficient to bring it under the heads of "uninterrupted" and "authorised" so far as regards the purposes of this Rule; provided only that there are no entries in the collectorate accounts which show that the holding of such lands exempt as aforesaid must have been unauthorised by the Government or paramount power.

Provision 2.—If there be not evidence forthcoming to disprove a claimant's assertion that his holding has been undisputedly enjoyed for the number of years and descents requisite to fulfil the conditions of Rules 3 and 4 respectively, his prescriptive right shall be admitted.

Provision 3.—The introduction of the British Government is to be reckoned from the time the East India Company became the Government or paramount authority over each district as regards its inams. In the territories ceded by or conquered from the Peshwa, therefore, whether khalsat, mahals, or serinjams, &c., held exclusive of inams, &c., the introduction of the British Government will date from the close of that of the Peshwa. But in case of the lapse of an independent principality, or of a jagheer more ancient than the Peshwa's government, and over the inams of which he did not claim any authority, the introduction of the British Government should be reckoned only from the date at which the general management of the districts may have come into the hands of the Company, and in case any question shall arise as to the precise date when the East India Company became the Government over any district, or when the general management of any district came into their hands, such question shall be referred to and determined by Government in the manner prescribed by Provision 1, Rule 1.

6. Land held as wholly exempt from payment of revenue, or on partial assessment, the possession of which is not continuable under the preceding rules, is to be resumed on the demise of the incumbent.

Provision 1.—In case the incumbent at the time of the introduction of the British Government may have died, the permission to hold for life is to be extended to the person in whose name the land may be continued, when the investigation

investigation is commenced, if there be no fraud apparent, nor other reason for withholding this indulgence.

Provision 2.—When land is evidently held by fraud recently committed (as when an inam which was resumed under the late Government has been re-occupied under the present Government without authority, or as when a pretended inam is found to have originated since the introduction of this Government with the connivance of district or village officers), it shall be at once resumed, not being continuable under this or any of the preceding Rules.

Regarding claims to inams apparently permanent by the nature of the objects for which they are held, and not merely personal.

7. All lands held for the support of mosques, temples, or similar institutions, of the permanent character of which there can be no doubt, are to be continued permanently, even though their permanent continuance may not have been expressly provided for when they were granted.

Provisions 1, 2 and 3.—The same as the corresponding provisions of Rule 2 of this Schedule in those cases in which title-deeds or other records proving the circumstances of the original grant, or its specific recognition by competent authority are forthcoming.

Provision 4.—When there is no proof forthcoming to show whether or not an inam, coming under the provisions of this rule, was granted, or even specifically recognised by a competent authority, still, if it has been undisputably enjoyed for a period of 40 years before the introduction of the present Government, it shall be permanently continued, and enjoyment proved by the mere entry of the inam, as continued in genuine accounts of the district officers (even in those not passed by the Government of the time being), is to be considered sufficiently "uninterrupted" to give an inam the benefit of this provision, if there be no entries in the Government accounts which show that it must have been unauthorised by them.

Provision 5.—If the forthcoming records do not go far enough back to test the existence of enjoyment of the duration contemplated in provision 4th, as establishing full prescriptive title in such inams, still, if so far as they do go, they are not opposed to the claimant's assertion that sufficient enjoyment has taken place, the prescriptive title of the inam shall be admitted according to his assertions, unless there be other evidence forthcoming to disprove them.

Provision 6.—The peculiar advantages of this Rule shall not apply to the holdings of individuals in their own names for the performance of ceremonial worship, claims to which must be decided under the rules for personal claims.

Provision 7.—When claims of the denomination coming under this Rule are found to be unsupported by proof of original valid title, and are proved void of sufficient prescriptive enjoyment, they are to be adjudicated according to Rule 6.

8. All lands authorisedly held by an official tenure which it is evident from local usage was meant to be hereditary, and has been so considered heretofore, even though there be no sunnuds declaring it to be so; for instance, inams which form the authorised emoluments of any hereditary office, as of kazees, village joshees, &c., and are not merely personal, are to be continued permanently.

Provisions 1, 2 and 3.—The same as the corresponding provisions of Rule 2 of this schedule in those cases in which title-deeds or other records, proving the circumstances of the original grant, or its specific recognition by competent authority, are forthcoming.

Provision 4.—When there is no proof forthcoming to show whether or not an inam, coming under the provisions of this Rule, was granted or even specifically recognised by competent authority, still if it has been undisputedly enjoyed as an official and not merely personal holding from the earliest period to which the forthcoming evidence does relate, it shall be continued permanently as official emolument, unless the claimant's own statement renders this course improper.

Provision 5.—The Provisions of this Rule are not in any way to apply to emoluments continued for service performed to the state as the service wuttuns of desaees, surdesaees, nargowdas, deshpandes, patells, coolkurnees, mhars, tulwars, whose claims are to be disposed of according to the rules which are or may be established for the regulation of such holdings.

Provision 6.—It is to be understood that mere length of enjoyment of land as inam by an official person is not of itself sufficient to entitle a claim to be brought under this Rule.

Provision 7.—If a holding, claimed under this Rule, be found incapable of permanent continuance under it, the claimant shall be allowed the advantages of any of the preceding Rules of this Schedule which may be applicable to his case.

Regarding provision for the widows of the last incumbents of resumed holdings.

9. On the resumption of any lands under the Rules of this Schedule, a moiety or other portion may be continued to the widows of the last incumbents during their lives, in cases of proved poverty and destitution.

Provision 1.—In the case of a holding, which is recognizable as an hereditary personal inam, the widow of a proprietor who dies without surviving male issue, or other heirs to whom his inam will of necessity descend, is by right his sole heir, and during her life the inam cannot be regarded as having lapsed to Government; it should therefore, in such a case, be continued undiminished during the widow's life.

Regarding the exception of certain tenures from the application of these Rules.

10. These Rules shall not be necessarily applicable to jageers, serinjams, or other tenures for service to Government, or tenures of a political nature, the titles and continuance of which shall be determined as heretofore under such rules as Government may find it necessary to issue from time to time.

Regarding the modification and interpretation of these Rules.

11. Any of these Rules may be relaxed in favour of claimants under instructions from the Governor of Bombay in Council, in whom shall also be vested the power of interpreting the precise meaning of any of the rules respecting which a question may arise.

(True Copies.)

East India House,
24 August 1857.

J. S. Mill,
Examiner of India Correspondence.

BOMBAY (TITLES OF LAND COMMISSION).

RETURNS of the Date of the COMMISSION issued by the Government of *Bombay* for inquiring into the TITLES and resuming LANDS held in INAM or RENT FREE, in hereditary Occupation by Native Landowners; and of the DESPATCH or CONSULTATION in COUNCIL on which such Commission was founded; the Number of ESTATES and Value of the RESUMPTIONS obtained under such Commission; &c.

(*Sir Erskine Perry.*)

Ordered, by The House of Commons, *to be Printed,*
28 *August* 1857.

341—Sess. 2. *Under* 3 *oz.*

EAST INDIA (TORTURE).

RETURN to an Order of the Honourable The House of Commons, dated 29 May 1857;—*for,*

COPY "of all LETTERS, or EXTRACTS from LETTERS, relating to Cases of alleged TORTURE in *India,* which have been received by the Court of Directors of the East India Company since the 12th day of September 1855; together with a Copy of any INSTRUCTIONS issued by the Court of Directors of the East India Company on the same subject."

East India House,
9 June 1857.

JAMES C. MELVILL.

(*Mr. Seymour.*)

Ordered, by The House of Commons, *to be Printed,*
22 *June* 1857.

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East India House,
9 June 1857.

J. S. Mill,
Examiner of India Correspondence.

COPY of all LETTERS, or EXTRACTS from LETTERS, relating to Cases of alleged TORTURE in *India*, which have been received by the Court of Directors of the East India Company since the 12th day of September 1855; together with a Copy of INSTRUCTIONS issued by the Court of Directors of the East India Company on the same Subject.

Government of India.

Government of India.

Home Department, 22 September (No. 15) 1855.

To the Honourable the Court of Directors of the East India Company.

Honourable Sirs,

THE Honourable the President in Council having inquired whether any proceedings on the subject of torture should be taken by the Government of India, "with reference especially to the possibility of such practices existing in the other Presidencies, and to the necessity for taking special measures for their suppression," I have the honour to solicit the orders of your Honourable Court on the subject.

2. That torture, in one shape or other, is practised by the lower subordinates in every native state of India, and in every British province, I have long ceased to doubt. I do not believe, however, that it is practised for the extortion of revenue, or in any other than police cases, within our provinces generally; and I am very certain that the practice is an object of abhorrence to British officers everywhere, as much as to those who most loudly denounce the abuse, and that civil officers do their utmost to prevent it.

3. Holding this belief, I need hardly add that I am of opinion that every special measure which can be devised for the suppression of so odious a practice should be set in motion, and should be vigorously and constantly put in execution.

4. If an Act of the Legislature should be necessary, in order to enable the several Governments to inflict an adequate punishment on those who may be proved guilty of acts of torture for any purpose, such an Act will be passed without delay.

5. Regarding the questions from this point of view, and believing for my own part that the abuse does exist, and is occasionally practised in every part of India, I must feel that inquiry into the existence of an evil, whose existence I acknowledge, would be superfluous.

6. If, however, your Honourable Court should be of opinion that a formal inquiry should be instituted in Bombay and Bengal, as it has been in Madras, steps will be immediately taken for that purpose; and any inquiry that may be instituted will be conducted by a mixed Commission, as at Madras.

7. I have the honour to request that your Honourable Court will send an immediate reply to this letter by return mail.

I have, &c.

Ootacamund, 22 September 1855. (signed) *Dalhousie.*

Legislative Department, 21 November (No. 12) 1855.

Our Governor-General of India in Council.

1. THE Governor-general, in his letter (No. 15), 22d September 1855, Home Department, requests an immediate reply to the question therein submitted, whether Torture.

Government of India.

whether a formal inquiry concerning the practice of torture shall be instituted in Bombay and Bengal as it has been in Madras?

2. We concur with the Governor-general in thinking that further inquiry into the existence of the evil would be superfluous, but that every practicable measure should be devised and vigorously executed for its suppression. We shall accordingly approve the immediate passing of a legislative enactment for the speedy and effectual punishment of all persons guilty of the practice of torture, if the present state of the law should render such a measure necessary.

We are, &c.

London, 21 November 1855.

(signed) *E. Macnaghton.*
W. H. Sykes.

Cases of alleged Torture.

Bengal.

BENGAL.

—No. 1.—

By Dependents of the Rajah of Jhulda.

Extract Bengal Narrative, dated 27 March (No. 24) 1856, transmitted in India Judicial Letter, 30 April (No. 39) 1856.

Chota Nagpore. Regarding a case of murder by torture committed at Jhulda.
Jud. Pro., 6 Sept. 1855, No. 312.
Jud. Pro., 27 Sept. 1855, No. 441.
Jud. Pro., 6 Dec. 1855, No. 254 to 258.

Para. 11. The accompanying papers contain explanations called for and received from the Commissioner of Chota Nagpore, on certain points relating to a case of murder by torture, which occurred in the zemindaree of the Raja of Jhulda, in the Maunbhoom Division.

12. Mr. Allen was informed, in reply, that the Lieutenant-governor, upon a careful consideration of the circumstances disclosed in the correspondence, was constrained to remark that the proceedings of Captain Oakes, the Principal Assistant in charge of Maunbhoom, in this most atrocious case, had evinced a great want of vigour and efficiency, and were by no means creditable to him.

13. With regard to the measures to be adopted towards the Raja, the Lieutenant-governor concurred with the Commissioner, and directed that he should be at once divested of all police functions, and that the salaries of the requisite police establishment should be paid out of the collections of the zemindaree.

14. It was further intimated to Mr. Allen, that the Lieutenant-governor was of opinion that no allowance at all should be made to the Raja until he should either deliver up his brother Benimadhub, one of the principal offenders, or prove that he had really done his best to secure him, and that it was out of his power to effect it; and further, that there did not appear to his Honor any sufficient reason why the Raja, though he had been acquitted of participation in the actual crime, should not now be summoned before the magistrate and questioned regarding the absence of his brother, and his share in concealing him.

No. 312. Judicial.

Extract from the Proceedings of the Government of Bengal in the Judicial Department, under date 6 September 1855.

(No. 1467.)

Letter from the Secretary to the Government of Bengal to the Commissioner of Chota Nagpore.

Sir, Fort William, 28 June 1855.

Government and Padshai Tanti, prosecutors, *versus* Baluck Das, and others, defendants.

The Lieutenant-governor's attention has been attracted to a report of a case of murder by torture decided by the Sudder Court on the 2d March last, and entered at page 315 of that month's number of the Court's Criminal Reports.

2. The facts disclosed in this case are of a very atrocious nature, and it would seem that not only the local subordinate police, but also the Raja of Jaldah and

and his relatives participated in the course. The conduct of the Raja is expressly stated by the presiding local judge to have been "highly criminal." He was, Major Hannyngton writes, "at the time in charge of the police," and it was "clear that he was cognizant from first to last of the atrocious proceedings carried on within the precincts of his dwelling-place, and that his dilatory reports to the senior Assistant were intended to deceive that officer." And in confirmation of this it is stated that the information which Haribon Degoria reported to the Raja on the 30th April 1854, was not laid by him before the senior Assistant before the 8th of May, and that he replied to orders of that officer of the 1st May so late as the 13th idem. Bengal.

3. The Lieutenant-governor wishes to know whether any steps have been taken towards punishing the police, or noticing in any way the conduct of the Raja and his brother; and it appears to the Lieutenant-governor to demand particular explanation why neither the Raja nor his brother Behimudhub Sing were committed to take their trial (especially the latter), whom the evidence seem to implicate as having taken a direct part in the atrocious proceedings recorded at the trial.

I have, &c.
(signed) *W. Grey*,
Secretary to the Government of Bengal.

(No. 160.)

LETTER from the Commissioner of Chota Nagpore to *William Grey*, Esq., Secretary to the Government of Bengal, Fort William. No. 255.

Sir, Chota Nagpore, 5 November 1855.

I HAVE the honour to acknowledge the receipt of your letter, No. 1467, dated the 28th of June last, calling for an explanation regarding certain circumstances connected with the case of murder and torture committed at Jhuldah, in the Division of Maunbhoom, in April 1854.

2. A full account of all the particulars of this atrocious case will be found in the 148th paragraph of my police report for the year 1854. I have therein stated that there were, in my opinion, two errors of judgment in Captain G. N. Oakes' proceedings in this case, first the prisoners Baluck Doss, and 19 others, were committed for trial on a charge of "culpable homicide," when they ought to have been charged with murder; secondly, the Raja was fined 200 rupees for neglect of his police duties, when he ought to have been committed for trial before the court of sessions on a charge of privity or accessoryship to this cruel murder. No. 95, dated 9 June 1855.

3. The first error was corrected by the Deputy Commissioner, who directed all the prisoners to be arraigned on a charge of murder; the second error, which might have been rectified by the Nizamut Adawlut when the proceedings were before them, was not apparently noticed either by that court or the Deputy Commissioner, although the latter, in his remarks on the trial, has observed, that he considers "the conduct of the Raja, who had at the time charge of the police, has been highly criminal."

4. After the record was returned by the Nizamut Adawlut, I sent for it, and carefully considered the Principal Assistant Commissioner's proceedings. I was of opinion that the punishment of the Raja was altogether inadequate for his offence, but I did not think that any further proceedings against him at that time would have been attended with any advantage. Perhaps I might have been able to induce the Nizamut Adawlut to quash the senior Assistant Commissioner's conviction of the Raja, and then Captain G. N. Oakes would have been in a position to take up the case again and to commit the Raja to the sessions court; but when I considered what had taken place at the sessions, where only four out of 20 persons committed were convicted, I was of opinion that it was too late to bring the Raja before the court of sessions. A new trial, resulting in the acquittal of the Raja, was, if possible, to be avoided, because it would in all probability have weakened the evidence against the principal offender Benimadhub Singh, who is still at large, and whose guilt, as the case stands, seems to be clearly proved.

Bengal.

5. It will be seen from my report that very liberal rewards have been offered for the apprehension of five persons who are the principal offenders, two of whom have been apprehended since my police report was written, but I regret to state that the Raja's brother, Benimadhub Singh, and the two others have not yet been arrested.

One mohurrir and four burkundauzes.

6. All the subordinate police officers serving under the Raja at the time of the occurrence of the crime have been dismissed from office.

Darogah, 30 rupees per mensem; 4 burkundauzes, at 4 rupees, 16 ditto.

7. As soon as I was informed of the Raja's misconduct, I directed the senior Assistant Commissioner to place him upon his trial, and to prohibit him from exercising any police authority in the pergunnah till further orders, and the police establishment noted on the margin was employed temporarily to conduct the police duties of the estate; the cost of these policemen has been defrayed from the collections of the pergunnah, which is attached for the payment of the Raja's debts, under the Government orders of the 13th of October 1854.

8. I have no doubt that Raja Hurrihur Sing was fully cognizant of the atrocities perpetrated in his "gurh," by his brother Benimadhub Sing and his dependants; but I do not think that he personally took any part in them. It is well known that Benimadhub Singh is wandering about the Jhuldah jungles, where he could not remain for a day unless he was protected by the Raja, who has been repeatedly called upon to produce him.

(No. 95.)

No. 349. EXTRACT LETTER from the Commissioner of Chota Nagpore to *William Grey*, Esq., Secretary to the Government of Bengal, Fort William.

Chota Nagpore, 9 June 1855.

148. DURING the night of the 27th April 1854, an idol and its ornaments, valued at 241 rupees, were stolen from the family residence of Raja Hurreehur Singh, who is the police ellakadar of pergunnah Jhalda. Benimadhub Singh, the Raja's brother, Manick Oopadhya, and other dependants of the Raja, seized Sadhoo Churn, Tantee Kangla Bhokat, and six others, whom they suspected of the robbery, took them to the Raja's "gurh," and there tortured them with the view of extorting confessions, and of procuring restoration of the stolen property. Sadhoo Churn and Kangla, upon whom apparently rested the strongest suspicion, were most brutally tortured in the following fashion: their fingers were tied tightly together, and then pieces of split bamboo were driven forcibly between them; their toes were operated upon in a similar manner; boiling oil was poured on the palms of their hands and on their feet by order of Benimadhub Singh; the testicles of Sudhoo Churn were squeezed by a pair of pincers, made of two crossed sticks, till he was emasculated; they also tortured him otherwise in the most cruel manner. Sadhoo Churn died from the effects of this maltreatment on the 11th May 1854. The Raja of Jhaldah, in a report dated the 1st May 1854, apprised the senior Assistant Commissioner of the robbery, but stated that as the informant did not desire inquiry, none had been made. This report did not reach the senior Assistant Commissioner till the 8th of May 1854. On the 1st of May 1854, Choomtoo Malito and Sibu Pan appeared before the senior Assistant Commissioner, and deposed that several of their friends and relatives had been seized by Benimadhub Singh and his people, and had been put to torture in this idol case. In reply to a communication made to him by the senior Assistant Commissioner, the Raja declared that no violence had been used, and that Ramdhun and others had been apprehended on this charge, but had been released for want of proof. The senior Assistant Commissioner deputed, first, the jemadar, and then the peshkar of his office, to conduct the mofussil investigation into this case; he subsequently proceeded himself to Jhalda and superintended the inquiry in person. Twenty defendants were apprehended and committed for trial to the sessions. The senior Assistant Commissioner made the commitment for culpable homicide, but the Deputy Commissioner very properly ordered the charge to be amended, and the prisoners were tried for murder; sixteen of them were acquitted by the Deputy Commissioner, the remaining four* were referred to the Nizamut Adawlut. They were found guilty by that court of being accomplices in the murder of Sadhoo Churn, and were sentenced to imprisonment for life in transportation.

*1. Baluck Dos.
2. Khedna Ghassi.
3. Shadeb Myra.
4. Kara Khol.

transportation. The rewards as specified on the margin have been offered for the capture of the principal offenders, who I regret to say are still at large; they are, I understand, wandering about the jungles of pergunnah Jhulda and the neighbouring zumeendaries. The senior Assistant Commissioner fined the Raja of Jhalda 200 rupees in this case, for neglect of duty and wilful concealment of this crime. Although the Raja does not appear to have taken an active part personally in this murder and torture, he must certainly have been cognizant of it; he was at home, and must have known what his brother and servants were doing within the precincts of his petty fort. After the death of Sadhoo Churn, he falsely reported, in his capacity of head of the police, that no violence had been used; for criminality of this complexion a fine of 200 rupees is in my judgment a very inadequate and improper punishment; the evidence appears to me to be such as to warrant the commitment of the Raja on a charge of accessoryship to the murder; as, however, sentence has been passed, it would be, I think, contrary to law to take any further proceedings against the Raja now; it is clear, however, that he is a person altogether unfit to be entrusted with any police authority. I have, therefore, directed the senior Assistant Commissioner to suspend all his police functions till further orders, and to take the management of the police of pergunnah Jhalda into his own hands as a temporary arrangement. After the nature of the Raja's police engagements has been inquired into and ascertained, I shall do myself the honour to submit a report to Government, in regard to the measures which are considered necessary for the future management of the police of pergunnah Jhalda.

Benimadhub Sing, 500 rupees.
Manick Oopodhya, 250 „
Kannye Mahallee 50 „
Kokah Bheesnia - 50 „
Madhoo Rajwar - 50 „

Extract Judicial Letter to India; dated 28 January (No. 12) 1857.

Chota Nagpore.

22. The attention of the Lieutenant-governor appears to have been drawn to this atrocious murder by the perusal of the report of the trial of the case before the Sudder Nizamut Adawlut. It is in evidence that some of the Raja's idols having been stolen on the 27th April, certain persons (among whom was the deceased) were arrested and cruelly tortured. The deceased was treated with especial barbarity, as one suspected of the theft, and his death was the consequence. The Raja, who was vested with police jurisdiction, reported on the 6th May to the Assistant Commissioner, that certain persons had been apprehended on suspicion of stealing the idols, but discharged for want of evidence. Complaint had, however, been made to Captain G. N. Oakes that the persons alleged to have been released had been subjected to torture, and on the 13th the body of the deceased was brought in with marks of violence sufficient to account for death. From the evidence it appears that the Raja, though not present, must have been perfectly cognizant of the ill-usage (which took place within his own dwelling-house), and that his brother Beni Sing was present at the infliction of the torture.

23. Captain Oakes, after investigation, committed the prisoners on the charge of culpable homicide, and fined the Raja 200 rupees for neglect of his police duties. As remarked by the Commissioner, Captain Oakes greatly erred in both these proceedings. The prisoners should have been committed for murder, and the Raja on a charge of privity to the crime.

24. It is satisfactory that the prisoners have been sentenced to transportation for life, and we hope that the energetic measures taken to ensure the capture of Beni Sing may be successful. He will, of course, if evidence be forthcoming, be committed for murder.

25. We entirely approve the withdrawal from the Raja of police powers and the suspension of his allowance until he shall have done his utmost to give up Beni Sing to justice; the intimation made to the Commissioner regarding Captain Oakes' misconduct was also proper.

Bengal.

— No. 2. —

By the Police of Calcutta.

Extract Bengal Narrative, dated 14 November (No. 53) 1855, transmitted in India Judicial Letter, 5 December (No. 62) 1855.

Para. 22. The annexed papers contain a report submitted by the chief magistrate of Calcutta, relative to two cases which had formed the subject of comment in the public papers, with reference to the alleged use of torture by the police in Calcutta for the purpose of extorting confessions. The Lieutenant-governor considered that the explanation afforded was satisfactory, and approved of the measures adopted by the chief magistrate to prevent all abuse of their power by the subordinate police.

Letter from Chief Magistrate of Calcutta to the Secretary to the Government of Bengal, Judicial Department, Fort William.

Sir, 3 June 1855.

The attention of the public has lately been attracted by the Calcutta newspapers to the alleged torture for the purpose of extorting confessions of certain prisoners in custody of the Calcutta police, and so much has been written on the subject, that I think it my duty to submit for the information of the honourable the Lieutenant-governor, the following observations in regard to the two cases more especially referred to.

2. In the first of these cases, Mr. Allen, an European inspector of the second class, and two of the native police, have been convicted by the senior magistrate of assault on two prisoners in their custody on a charge of theft, but the offence committed cannot reasonably be called that of torture, the assaults were not of a serious nature, and the senior magistrate, who carefully inquired into the whole case, did not think the parties concerned to be deserving of any severer punishment than moderate fines, in addition to the loss of their situations, which he believed would follow.

3. I confess I was surprised at the amount of punishment awarded, and I immediately addressed the senior magistrate, in order to ascertain whether in his opinion the more serious part of the charge, viz. that the assaults were committed with a view to extort confessions, had been proved, for if so, I observed it would be my duty to dismiss the inspector and native police from the force; whereas, on the other hand, if the assaults were simple ones, arising from other causes, it would be wrong in me to deal with unnecessary harshness towards my subordinates; that the lightness of the punishment had left me in doubt as to what had been proved, and what course it was my duty to pursue.

4. The senior magistrate informed me in reply, that the assaults were not in themselves of a cruel nature, though aggravated by the motives which led to their being committed, viz. to extort confessions, and that the leniency shown was owing to his opinion being that the proper punishment for the offence was dismissal from the force.

5. On receiving this information, I at once dismissed the police officers from the force, and I confess it is to me a matter of regret that their offence was not visited with a more severe punishment.

6. In the second case, four men have been convicted before the Supreme Court of passing base metal for gold, and so defrauding a gentleman of 300 rupees; one of them in his defence stated that he had been ill-used by the police, but did not bring forward a single witness to substantiate his statement, which could be disproved by the evidence of many persons, and is utterly destitute of any foundation.

7. A learned counsel, who defended another of the prisoners, has remarked strongly on the extraordinary delay which occurred in bringing the prisoners before a magistrate, and on the circumstance of their having been taken to several

several placesin the first instance, and has argued there from that the admission made by them must have been from terror of ill-usage.

8. There was unusual delay in bringing up the prisoners under circumstances which I will now explain. One of the principal parties who had eluded capture for upwards of a fortnight was arrested at 9 P.M. of the 16th of May. He had previously passed himself off as a serang or petty officer of a vessel in the river, and on being taken, he denied *in toto* being the person accused; he was, however, recognised and locked up for the night; on the 17th, in consequence of information received, he was taken to the house of correction by permission of the deputy superintendent with a view to inquiries being made as to his being an old offender in a similar case of fraud, his real name, &c.—there he was recognised. He was on the point of being taken to the Allipore gaol for a similar purpose, when knowing further concealment of his previous conviction and bad character to be hopeless, he suddenly made what is called a clean breast of it, and came out with the whole story, and offered to point out his associates; these he said belonged to the labouring class and would not be at home during the day; they also resided at some distance from town; their houses were pointed out by him, and they were arrested at 11 P.M., and thus the inspector was engaged throughout the whole of the 17th in prosecuting his inquiries.

9. The case ought to have been brought up on the following day, *i.e.*, the 18th, but it could not be done, as further information and further inquiries were necessary; the fourth prisoner was arrested on this day, and on the morning of the 19th the case was sent by me before the division magistrate, who, finding the evidence clear against the prisoners, committed them to the sessions, where, as already observed, they were all convicted, and have been sentenced to various periods of imprisonment in the house of correction.

10. That in the course of these inquiries any torture or other maltreatment was committed by the deputy superintendent of the division, or the first-class inspector, or by others with their connivance, I utterly and entirely disbelieve, and it was impossible that any torture could have taken place without their knowledge.

11. In regard to the future, I have given clear and distinct warning to every officer of the force, European and native, that I will on no account allow of their in any respect outstepping the limits of their duty; it is not my wish to prevent inquiries into the official conduct of my subordinates; on the contrary, it is my anxious desire to afford every facility to such investigations, and that merited punishment should follow on conviction.

12. To avoid the possibility of any prisoner being again detained without being brought before a magistrate for his orders, I have directed the deputy superintendents to exercise no discretion in the matter, but invariably to bring their prisoners before myself or the division magistrate, at the next sitting, in the event of my office being closed owing to a holiday or Sunday. I will take care that no prisoner is kept in charge of the police without my sanction.

13. I have also requested the division magistrates to take notice of all cases in which prisoners before them appear to have been in the hands of the police for an unreasonable time, and further to make particular and searching inquiries in regard to the conduct of the police officers in every case in which any prisoner is said to have made any admissions or dismissions of guilt.

14. I trust, by the adoption of these measures, that all further cause of complaint will be removed.

I have, &c.

(signed) *G. F. Cockburn*, Chief Magistrate.

Bengal.

(No. 1244.)

LETTER from the Secretary to the Government of Bengal to the Chief Magistrate of Calcutta.

Sir, Fort William, 9 July 1855.

I AM directed to acknowledge the receipt of your letter No. 732, dated the 30th ultimo, submitting, for the information of the Lieutenant-governor, a statement respecting two cases which have formed the subject of recent comment in the public papers, with reference to the alleged use of torture by the police in Calcutta for the purpose of extorting confessions.

2. In reply I am directed to say that the Lieutenant-governor considers the explanation afforded by your letter to be satisfactory, and he trusts that the measures adverted to in paragraphs 11 to 13 will prove effectual to prevent all abuse of their power by the subordinate police.

I have, &c.
(signed) *W. Grey*,
Secretary to the Government of Bengal.

EXTRACT Judicial Despatch to India, dated 14 January (No. 9) 1857.

Para. 17. IN the first case the prisoners were assaulted with a view to extort confessions, by an European inspector and two native police. The punishment, a moderate fine, imposed on these police officers, appearing too lenient, Mr. Cockburn, the chief magistrate, made an inquiry, from which it appeared that they had not been severely punished, in the expectation that they would be dismissed, as they in fact were, from the force. In the second instance, Mr. Cockburn was decidedly of opinion that no ill-treatment had taken place, and that any delay which had occurred in taking the prisoners before a magistrate was necessary and justifiable. He had, he added, warned his subordinates not to overstep their duty, and would see that prisoners were not unduly detained.

18. This assurance is satisfactory, as is the explanation which accompanied it, as far as Mr. Cockburn is concerned. We see, however, with some surprise, and very deep regret, a European officer, though only a subordinate, implicated in such a transaction.

— No. 3. —

BY THE POLICE OF THANNAH NAWABGUNGE, 24 PERGUNNAHS.

EXTRACT LETTER from the Commissioner of Circuit, Nuddea Division, to the Secretary to the Government of Bengal; dated 11 July 1855.

Para. 15. AMONG the miscellaneous crimes there is one requiring notice, viz., the conviction of a police darogah for torture. It appears that Mr. Vans Agnew of the civil service was proceeding up country, when in crossing the river at Puttah, he heard screams on the left bank. The boatmen having put back, Mr. Agnew found that the screams came from a police station (the Nawabgunge thannah), where the police had tied up a man to a transverse bamboo supported on two upright posts. The victim's arms were tightly bound with a cloth, to which a rope was attached, by which he was suspended, his legs being about a couple of feet from the ground. On seeing Mr. Agnew, the whole of the police at once deserted the thannah, and he had to let the man down with his own hands, and afterwards, not knowing what to do with him, and afraid to leave him again to the tender mercies of the Nawabgunge police, Mr. Agnew brought him on in his carriage to Hooghly. The left arm of the man, named Ram Saha, has a slight mark in it.

Mr. Fergusson immediately proceeded himself to the thannah and commenced an inquiry. It appeared that a valuable watch had been stolen from Captain Ross, Assistant Adjutant-general at Barrackpore; suspicion fell upon the chowkeedar of the house, and the sirdar bearer, and the darogah took this method of extorting a confession and discovery of the stolen property. The

parties

parties concerned were convicted before the sessions judge, and sentenced. The darogah to four years' imprisonment and a fine of 500 rupees, and his assistant, two jemadars and three burkundauzes to two years' imprisonment, and a fine of 100 rupees; every individual therefore concerned in the case has been prosecuted to conviction, and the example will doubtless have a most beneficial effect on the conduct of the police in general.

EXTRACT Judicial Despatch to India, dated 4 March (No. 18) 1857.

Extract para. 14 . . . . . But we observe with deep regret a case of torture by the police, whose conviction and punishment were satisfactory .

. . . . . .

— No. 4. —

BY THE POLICE OF KIDDERPORE, IN THE 24 PERGUNNAHS.

EXTRACT Bengal Narrative, dated 14 May (No. 38) 1856, transmitted in India Judicial Letter, 25 June (No. 57) 1856.

Para. 57. THE officiating Commissioner of Nuddea submitted copy of a correspondence respecting a case of torture at Kidderpore, in the 24 Pergunnahs, in which a police mohurrer and three burkundauzes had been convicted and sentenced by the additional sessions judge to various periods of imprisonment, and he recommended the dismissal from the service of Government of first-grade darogah Syud Mughur Ali, of the Kidderpore thannah, for his conduct in connexion with this case.

58. Having carefully considered the circumstances disclosed in this correspondence, as well as the several petitions presented to the Commissioner's office and to this Government, the Lieutenant-governor entirely concurred in the opinion expressed by Mr. Stainforth, and the magistrate of the 24 Pergunnahs, that the darogah was no longer worthy of confidence, and directed accordingly that he should be dismissed from his situation.

59. His Honor further determined, that the thannah mohurrer should be publicly declared incapable of serving Government in future in any capacity, and a circular was issued to the Commissioners of the several divisions, directing that in future the chief resident police officer of any police station at which torture was proved to have occurred should be liable to dismissal.

LETTER from the Commissioner of Circuit, Nuddea Division, to the Secretary to the Government of Bengal.

Sir, Allepore, 13 November 1855.

I HEREWITH beg to submit, for the perusal of the Lieutenant-governor, copy of a letter from the magistrate of the 24 Pergunnahs, No. 1057, dated the 7th instant, respecting a case of torture at Kidderpore, in which a police mohurrer and three burkundazes have been convicted and sentenced by the additional sessions judge to various periods of imprisonment.

2. His Honor will perceive that the magistrate has recorded his opinion that Syud Mughur Allee, the first-grade darogah of the thannah, should be dismissed.

3. Mr. Fergusson is of opinion, that unless special reasons to the contrary be shown, the chief resident police officer should be dismissed in every case of torture, whether he be actually present during the infliction of the torture or not; applying this rule to the present case, he remarks that no such special circumstances have been elicited in favour of the darogah, but that on the con-

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trary, there is irresistible presumption of his connivance, arising firstly from the fact of the tortured man having been illegally detained at the thannah for no assignable cause which can be credited, than intention to force him to give information whereby the property he was supposed to have stolen would be traced.

4. Mr. Fergusson further comments on the circumstances of the tortured man having given a confession before the darogah on Saturday, after denial on a previous day, of the torture having been carried on within a hundred yards of the darogah's house, and of the tortured man having borne marks of the ill-treatment to which he had been subjected, as facts rendering supposition of the darogah's ignorance of the torture unreasonable, and he notices that the darogah was living upwards of 50 yards from the thannah in direct disobedience of his order.

5. I submit the enclosures of the magistrate's letter, *i.e.* the darogah's defence, and a letter from the Collector of the 24 Pergunnahs, complaining of his having purchased jotes in the vicinity of the thannah.

6. I see nothing in the defence which can be held to exonerate the darogah. Old offenders never confess excepting under undue influence, or in rare instances, on exhibition of circumstances rendering a denial useless, and as such circumstances were not present in the case under notice, I have come to the conclusion that the darogah, who is an old police officer, could not have taken down the tortured man's confession without consciousness that it was not a free and voluntary confession, but was one which had been obtained by improper means.

7. Again, it seems to me incredible that the mohurrir would presume to make use of the cruel torture which he has been convicted of ordering, without the direct consent of the darogah, unless the practice of torture had previously had his sanction in other cases, and on either supposition no further confidence can be placed in the darogah, to whose dismissal I have assented.

8. The Lieutenant-governor will, I doubt not, recognise with high approval the prompt and efficient manner in which the case has been treated by the magistrate.

I have, &c.
(signed) *H. Stainforth,*
Officiating Commissioner.

Letter from the Magistrate of the 24 Pergunnahs to the Commissioner of Circuit, Nuddeah Division.

Sir, 7 November 1855.

I have the honour to report upon the case of torture in order to extort a confession at thannah Kidderpore. It took place on Friday night, the 26th October. I heard of it on Saturday night, investigated it on Sunday, and committed the accused on Monday. The case was disposed of by the additional judge this day, and sentence passed as per margin.*

2. My reasons for commitment give full particulars of the case in the following words:

"Late in the evening of Saturday, the 27th instant, Mr. Floyd, keeper of the Allepore goal, verbally reported to me that a thief named Muntoo had that afternoon been sent from Kidderpore thannah, that he complained of having been tortured by the police, and that he was passing blood from the fundament. I directed Mr. Floyd to ascertain whether the man's life was in danger, in order that I might, if necessary, record his deposition without delay. Shortly afterwards, Mr. Floyd wrote me the note marked A., which being so far satisfactory, nothing further could be done that night.

"Early

* Prisoner No. 1, seven years with labour; No. 2, five years with labour; No. 3, one year, fine of 25 rupees or labour; No. 4, five years with labour; No. 5, acquitted.

"Early next day I went to the hospital; I there found Muntoo, who told me he had been tortured by the mohurrer, and some burkundauzes of Kidderpore. I observed marks of ill-treatment on his person, particularly on the shoulders, loins, and posteriors. I also saw a quantity of clotted blood, which I was informed had been passed by Muntoo at stool.

"I then got into my buggy, and taking a mohurrer with me, drove to the thannah. Muntoo was conveyed there in a palanquin. On arrival, his deposition was recorded on oath.

"He stated that he had been suspended by the arms, beaten by three burkundauzes, and otherwise tortured, in a house at the south-west corner of the tank behind (or east of) the thannah, and that during the torture, the thannah mohurrer's servant, a boy, and a Brahmin cook, were present. On hearing this, I at once went to the house indicated. It proved to be the residence of the thannah mohurrer (Prisoner No. 1). In that house, and employed in their domestic duties, I found the boy Teencouree (Witness No. 2), and the Brahmin, Sumbhoo (Witness 3). As was to have been expected, they became greatly alarmed and were very unwilling to give evidence against their employer. But after patiently cross-questioning them separately, I succeeded in eliciting the truth.

"Muntoo further stated, that after being suspended for some time he was let down and again tortured by having a bamboo pressed across his body. He pointed out prisoner 1, Prosunno Coomar, as having ordered the torture, and prisoners 4 and 5, as having inflicted it. He also stated that prisoner 3 was an accessory, and that another burkundauze (whose personal appearance he minutely described), had also severely beaten him; on this statement prisoner 2 was summoned from Budge Budge, and, on seeing him, Muntoo swore to him as his third tormentor.

"At my desire Muntoo then led the way to the house in which he had been tortured, as stated above; it proved to be the residence of prisoner 1, situated 105 paces from the thannah lock-up, at some distance from the public road, and surrounded by the houses of police dependents.

"On entering this house Muntoo at once, and without any survey pointed out a bamboo rafter, stating that he had been thereto suspended and beaten. On examining the said rafter, at the spot indicated, I found a clear, unmistakeable mark of a rope having been tightly drawn round it. This was a greasy, glossy rubbed mark, such as is often made in a bamboo by the pendulous motion of a rope tightened by having a heavy weight attached. I also found in the said house a rope and a bamboo, which were recognised by Muntoo as the instruments of torture. . . . . Here follows the evidence of witnesses.

. . . . . .

For the above reasons, I commit the prisoners for trial, this 29th day of October 1855. . . . . .

. . . . . .

4. In this case Syud Moghur Ally, darogah of Kidderpore, has been suspended, and I have now to state how far he must, in my opinion, be held responsible for the cruel treatment of Sheek Muntoo. As a general rule, I consider that whenever torture is proved to have been inflicted at any police station, the chief resident police officer should be dismissed from the Government service, whether he was actually present at the torture or not. This wholesome rule should never be departed from, excepting for special reasons. No such reasons exist in the present instance. All the evidence, indeed, shows that during the torture the darogah was in his own dwelling-house; but he is, notwithstanding, exceedingly culpable, and the presumption of his connivance at the torture is irresistible. . . . . .

. . . . . .

(signed) *H. Fergusson*, Magistrate.

LETTER from the Under-Secretary to the Government of Bengal to the Commissioner of Circuit, Nuddea Division.

Sir, Fort William, 17 December 1855.

I AM directed to acknowledge the receipt of your letter (No. 124 A), with enclosures, recommending the dismissal from the service of Government of first-

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grade darogah Syud Muzhur Ali, of the Kidderpore thannah, for his conduct in connexion with a case of torture recently committed within the jurisdiction of the said thannah.

2. The Lieutenant-governor having carefully considered the circumstances disclosed in this correspondence, as well as the several petitions presented to your office and to this Government, entirely concurs in opinion with yourself and the magistrate of the 24 Pergunnahs, that the darogah is no longer worthy of confidence, and directs accordingly that he be dismissed from his situation.

3. The Lieutenant-governor further determines that the thannah mohurrer, Prosono Coomar, who has been convicted at the sessions, be publicly declared incapable of serving Government in future in any capacity, and this will be notified in due course.

4. Mr. Fergusson's conduct of the case, I am desired to add, merits high approbation. The Lieutenant-governor would wish you also to intimate to Mr. Floyd, keeper of the Allepore gaol, the sense he entertains of his very commendable interposition on the part of the prisoner Muntoo, and that you will also make known to Rajnarain Gooplo, the sherishtadar, and to Ramkanai Ghose, nazir of the magistrates' court, and to Mahomed Summee, jemadar, and Kodrut Ullah, naib jemadar of the Balaghustee guard, that the Lieutenant-governor has viewed with much satisfaction their voluntary and praiseworthy exertions in aid of the magistrate's inquiries.

5. Adverting to the 4th para. of Mr. Fergusson's letter to your address, I am directed to state that the Lieutenant-governor greatly approves of the general principle therein laid down, namely, that except for special reasons to be clearly shown, the chief resident police officer of any police station at which torture is proved to have occurred, should at once be dismissed, and on this point a circular letter will be issued from this office to all magistrates for communication to all darogahs.

I have, &c.
(signed) *A. W. Russell,*
Under Secretary to the Government of Bengal.

Extract Judicial Despatch to India, dated 22 April (No. 27) 1857.

Para. 44. Very high praise is due, and was justly awarded to Mr. Fergusson, the magistrate of the 24 Pergunnahs, for the great promptitude shown by him in investigating this case, which is one of great barbarity. The dismissal of the darogah (who was already liable to that punishment for purchasing land within the jurisdiction of his thannah) has our approval, there being no reasonable doubt that he was cognisant of the infliction of the torture. The mohurrer was properly declared incapable of serving Government; the darogah, the greater offender, is similarly disqualified, though it is not stated that this fact was notified, as in the case of the mohurrer.

45. We concur with the Lieutenant-governor in the opinion he had expressed in regard to the praiseworthy conduct of the following officers: Mr. Floyd, keeper of the Allepore gaol; Rajnarain Goopto, sherishtader; Rain Kani Ghose, nazir; Mahomed Summee, jemadar, and Kodrah Oollah, naib jemadar.

46. The recommendation of the magistrate and Commissioner, that, as a rule, the head resident officer of a thannah, where a case of torture occurs, should be liable to dismissal, was properly acceded to. The widest publicity should be given to all cases in which adequate punishment is awarded for the offence of torturing.

NORTH-WESTERN PROVINCES.

North-Western Provinces.

— No. 1. —

Case of Torture—Murder of Dusola Chumar.

Extract from Judicial Criminal Narative, No. 5, dated 13 Mach 1855.

Agra Division.

Collection No. 144, Mynpoory District. Dismissal of Ram Narain, Deputy Magistrate.

Para. 256. An inquiry originating in a communication from the Mynpoory sessions judge, certifying misconduct of the police in the case of murder of Dusola Chumar, in May 1854, left no doubt on the Commissioner's mind, that Ram Narain, deputy magistrate of pergunnah Lucknah in this district, was with his subordinates concerned in the illegal detention of two prisoners, one of the prisoners having evidently been tortured, and part of the deposition of the deceased Dusola, bearing date the 28th February, having been added on the 3d March, with mention of names and circumstances not at first stated. For these reasons, the Commissioner having applied to Government for the necessary sanction to the dismissal of Ram Narain, his Honor replied, that the circumstances detailed were such as fully to warrant the measure, which was accordingly confirmed.

Extract from the Proceedings of the Honourable the Lieutenant-Governor of the North-Western Provinces in the Criminal Branch of the Judicial Department, under date 15 May 1854.

(No. 53 of 1854). No. 222.

Letter from *H. Unwin*, Esq., Commissioner, Agra Division, to *W. Muir*, Esq., Secretary to Government, North-Western Provinces.

Sir,

I have the honour to request that you will lay the annexed correspondence before the honourable the Lieutenant-governor, with a view to obtaining the necessary sanction to the dismissal of Ram Narain, deputy magistrate of pergunnah Lucknah, zillah Etawah.

2. The inquiry originated in a communication from the Mynpoory sessions judge certifying misconduct of the police in a case of murder of Dussola Chumar in May 1853, and left no doubt in my mind that the deputy magistrate was concerned with his subordinates in the illegal detention of two prisoners, after one confession dated 28th February, until 2d March, the date of other confessions, one of the prisoners having evidently been tortured, and part of the deposition of the deceased Dussola, bearing date 28th February, having been added on the 3d March, under the former date, with mention of names and circumstances not at first stated.

3. The order for dismissal was passed without due advertence to section 5, Act XV. of 1843, which requires the sanction of Government in the case of deputy magistrates.

I have &c.

Commissioner's Office, Agra Division, 26 April 1854. (signed) *H. Unwin*, Commissioner.

Copy of Remarks on the Acquittal Statement forwarded by the Sessions Judge of Mynpoory, under date 16 May 1853. No. 223.

There was evidence against the prisoners in the shape of their mofussil confessions, on the day after the night on which Dussola was wounded, and in his positive indication of such, which led to the arrests as well as the discovery of a sword pointed by Chidda in some kurhee of Sona's, while there was, at the same time, a foujdary confession, dated 4th March, before Mr. Brown, duly attested at trial by the subscribing witnesses; there were also clear indications of an attempt to criminate one of the zemindars of the prisoners' village, Buchoolee, as an accomplice, in the first confessions, and in the latter, a

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zemindar of Juktowlee, Dussola's village, was substituted; there was also a manifestly perjured statement of these alleged eye-witnesses, whose names were, as the mohurrir admitted, first mentioned by Dussola on the 3d March, though, by the direction of the tehsildar and thanadar, he inserted the mention in a deposition dated 28th February. Still as all this tampering appeared to be to injure first one zemindar, then the other, of hostile villages, and not directed against the prisoners, who, moreover, made no statement in their own vindication, I did not concur with the assessors in their acquittal, and with a strong impression of their guilt, was about to refer the trial. Sona had (as is not uncommon) pleaded that he had been tortured, and shown some marks, to which, on the evening of the 29th, I did not attach much importance. On consideration, however, on the following morning I directed him to be sent to the civil surgeon, whose report, that the marks were from branding, at once induced me to change my opinion, and acquit the prisoners. Examination of the Foujdary record leaves no doubt in my mind that Sona was tortured, and probably on the 2d March, on which date a confession communicating Ghumbhere Sing, zemindar of Juktowlee, instead of Manck Sing, zemindar of Burcholee, named on the 28th February, is recorded, but its witnesses were not included in the calendar. On that date, the thanadars sent the prisoners to the (tehsildar's deputy magistrate), fearing, he says, to exceed the limit of detention. The tehsildar then sent back on the same date; this evasion of the law was utterly needless, so far as can be seen, and the real cause was probably the difficulty of producing Sona before Mr. Brown so soon after branding him; no reliance could be placed on any portion of evidence under such indications.

The evident misconduct of the police has been duly certified under sect. 10, Regulation VII. of 1831, to the Commissioner, and I must add, for the Court's information, that the tehsildar seems to be the same officer whose manufacture of evidence was so conspicuous ina case of dacoity committed by Mr. Boldero, and tried by me in February 1852, of which I furnished a detailed report at the time.

(signed) *H. Unwin*, Sessions Judge.

No. 227.

LETTER from *W. Muir*, Esq., Secretary to Government North-Western Provinces, to *H. Unwin*, Esq., Commissioner, Agra Division.

Sir, Nynee Tal, 15 May 1854.

Judicial Department.

I AM directed to acknowledge the receipt of your letter dated the 26th ultimo, No. 53, with enclosures requesting sanction to the dismissal of Ramnarain, deputy magistrate of pergunnah Lucknah, zillah Etawah.

2. In reply, I am desired to remark that the circumstances stated in the correspondence are such as fully to warrant your order for the dismissal of Ramnarain, tehsildar and deputy magistrate, and that order is approved and confirmed accordingly.

3. The enclosures of your letter are returned, copies having been retained for record.

I have, &c.
(signed) *W. Muir*, Secretary to the Government,
North-Western Provinces.

EXTRACT Judicial Letter to India, dated 2 July (No. 30) 1856.

66. IT appears to be almost certain that these prisoners* were tortured by the police, and that Ram Narain the tehsildar, and Syad Wagoolooddeen the thanadar, were privy to it. Both these officers were dismissed; but as Mr. Unwin, the Commissioner, appears to have been satisfied of their guilt, they as well as the police, ought to have been put upon their trial, and if convicted, severely

* Criminal Narrative, dated 13 March (No. 5) 1855.—(256.) Dismissal of Ram Narain, deputy magistrate, for illegal detention of two prisoners in connexion with the murder of one Dusola. Petition for re-instatement rejected.

severely punished. It is the duty of the Government to prosecute in all such cases when the nature of the evidence is such as to hold out a probability of conviction, and if this is the case in the present instance, these persons should even now be apprehended. North-Western Provinces.

— No. 2. —

MISCONDUCT OF BASUT ALLY.

EXTRACT from Judicial Criminal Narrative, NorthWestern Provinces, dated 11 June (No. 7) 1855.

EXTRACT para. 207 . . . . . The Lieutenant-governor at the same time requested the Commissioner* to furnish, with the least possible delay, a report on the proceedings connected with Basut Ally's conduct in having been directly concerned in concealing the occurrence of a case of very aggravated manslaughter committed by his own personal or official dependents, and in preparing, with that object, a false return as to the character of the occurrence. A similar report was also required in regard to the peshcar Mahomed Jawud, who had been implicated in the same disgraceful breach of duty. The inquiries instituted, in compliance with the above orders, showed that the tehsildar and peshcar had exercised a greater degree of personal interference in the case of manslaughter, referred to, than had at first been supposed. Both officers were accordingly, by order of his Honour, removed from the posts they held. As the charge against Basut Ally was fully proved, he was considered unfit for any further service under Government. But as no direct interference was found on the part of the peshcar, his Honor so far acceded to the Commissioner's and magistrate's joint recommendation for indulgence to him, as not to interdict his continuance in any office under Government, the duty of which might be merely ministerial.

* Benares Division.

EXTRACT Judicial (Criminal) Proceedings, North-Western Provinces, dated 5 August 1854.

(No. 57.) No. 59.

LETTER from *W. M'Chlery*, Esq., Officiating Magistrate, Azim Ghur, to *H. C. Tucker*, Esq., Superintendent of Police, Fifth Division, Benares.

Sir, Azimghur, 22 July 1854.

I HAVE the honour to bring to your notice the conduct of Basut Ally, deputy magistrate and tehseeldar of Mahool, in a case of homicide, which occurred in Mahool pergunnah, in the latter end of May.

2. The circumstances of the case are briefly these. A zemindar of village Humzapore, about two miles from Mahool, had obtained a summary decree for arrears of rent against one of his assamees Zeaoo Khan, of a neighbouring village, and for the purpose of executing his decree, sent his karinda to tehseeldar to request that a peon might accompany him. To this the tehseeldar complied, at the same time very improperly deputed a private servant of his own, by name Shorab.

3. They (the karindah of the zemindar, the tehseeldaree peon, and Shorab, the private servant of the tehseeldar), proceeded to the village with the gorait, who pointed out the defaulter Zeaoo Khan. On his refusing payment, they tied him up to a tree near the village, and on the defaulter declining to giving some pice to Shorab, was kicked by him, and received several severe blows from the above Shorab, as well as from the other two, who were in company, from the effects of which the poor man died that same night.

4. Notice was given at the thanah, after the death of the defaulter, that he had died of cholera, and the acting thanadar, contrary to the usual custom on a simple case of cholera being reported, proceeded to the village with the mohurirs to investigate the case. On his arrival, finding that the deceased had

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died from the blows inflicted on him by the three persons above named, among one of whom was the private servant of the tehseeldar, he wrote to the tehseeldar, who sent an influential zemindar, by name Khyroollah, who has been notorious during my time of office in this district for being mixed up in criminal cases, and has been previously punished. The thanadar, with the connivance of the above zemindar, and the agent of the decree-holder, succeeded in pacifying the relative of the deceased with money and a grant of land. The thanadar returned to the thana with the police, and the case was only reported as one of cholera. I at once suspected the case, after reading the report of the thanadar, as the circumstances of several men being deputed to serve a decree on the deceased, who was said to have died from cholera immediately after the process was served, were sufficient to create suspicion; I sent for the heirs of the deceased for the purpose of taking their deposition, and having learnt by accident the facts of the case from a conversation with one of my police officers, I deputed Ally Khan, tehseeldar of Koelsa, whose investigation satisfied me of the merit of the case, and the prisoners, five in number, viz., the agent and kharindah of the zemindar, Khyroollah, the zemindar, who acted on the part of the tehseeldar, the tehseeldary peon, and the private servant of the tehseeldar, were committed by me to the sessions, and resulted in the conviction of all.

5. It is clear that the tehseeldar, Basut Ally, at whose instigation this crime was concealed, is not competent to exercise the powers of a deputy magistrate, as he has proved himself on previous occasions untrustworthy, and I would refer you to my annual police report of last year, where his conduct was most reprehensible in a case of murder, which occurred about a koss from Mahool last July.

6. It seems incredible that an officer of some years experience, for such a trifling irregularity (for the fact of his sending a private servant to serve the process cannot be regarded as much more), should connive at concealing a crime which must have come to the notice of the authorities, and should so recklessly run the risk of detection. The tehseeldar, in this instance, is the more culpable, as the acting thanadar had been appointed to officiate for a short time at his recommendation, and for whom he ought to have been responsible, instead of deputing him to cook the case and distort the facts.

7. I would therefore request your orders in this case, suggesting that this officer, whose conduct is now under review, should be divested of the powers of deputy magistrate, and sent on a reduced salary to Deagaon, in the place of Sahib Ally, who has procured his pension from Government; should you deem the above punishment sufficient, I would recommend that the tehseeldar of Secunderapore (whose health has been much impaired at Nuzra, and whose services from such a cause I should be very sorry to lose), should he be transferred to Mahool on the established salary of 125 rupees a month, and be invested with the powers of deputy magistrate, which he is well qualified to exercise.

8. I know of no officer in this district whom I could recommend as tehseeldar of Nuzra in the place of Mahommed Shuffee, but I have applied to the Collector of Goruckpore regarding the capabilities and qualifications of Mehdeeoolzumah, whom he pronounces to be an able officer and well up to the work. I should have preferred giving him a trial in a pergunnah nearer the Sudder station, where he would be looked after during his probation; but as I am aware you are averse to changes I have not suggested any further transfers.

9. I am averse to changes myself, but when such an opportunity offers, and now that my successor is soon expected, I should be supposed to know more of the capabilities of the native district officers, after a long experience than a newly appointed collector, and this is my reason for offering the above suggestions before being relieved of the charge of the district.

10. I herewith forward a copy of the remarks of the sessions judge on the conduct of the tehseeldar, by which you will also see that the conduct of the peshkar Mohomed Jaured is also called in question, and from the evidence there

is

is little doubt that he exerted himself in aiding the tehseeldar to conceal the facts of the case. North-Western Provinces.

I have, &c.
(signed) *W. M'Chlery,*
Azimgurh Magistracy, 22 July 1854. Officiating Magistrate.

EXTRACT Judicial Letter to India; dated 12 November (No. 47) 1856.

137. WE are glad that the persons implicated in this atrocious case have been convicted and punished.* The servants of Government who were concerned in the suppression of the facts were most properly removed from office. We think that the dismissal of Basut Alee was an insufficient punishment, and that an interdict against his re-employment should have been duly notified in the Gazette.

— No. 3. —

DEATH OF TWO CHUMARS FROM VIOLENCE.

EXTRACT Judicial (Criminal) Narrative, North-Western Provinces; dated 18 August (No. 9) 1855.

Benares Division; Azimgurh District.

207. A REPORT, with his remarks thereon, was received from the Commissioner, on the death of two chumars, in consequence of illegal violence inflicted on them by the thanah establishment, with the view of extorting confessions, as it was suspected that the deceased possessed white arsenic for poisoning cattle for the sake of the hides (see paras. 200 and 201 of this narrative). Homicide of two Chumars who were subjected to illegal violence by the thana establishment.

208. It seemed that Deehul Chumar, seized by Roshum Ally, thanadar of Beluriagunge, on suspicion, was willing to confess, but the thanadar insisting on his producing some of the poison, his arms were tied behind him, and he was half suspended from a tree and expired in about six hours. The thanadar immediately sent in the corpse, and admitted the tying to a tree, but declared the deceased had swallowed the arsenic instead of producing it. The medical officer, on examination, found this assertion to be false; the intestines were totally empty; there were no marks of beating or anything of that kind, but there were marks on the arms as of ropes tightly tied; and it appeared that the deceased had a short time previously been ill, and, being seized in the morning, with a totally empty stomach, sunk under the illegal duress by 2 p.m. Mr. Bax was immediately deputed to make strict investigation on the spot. The thanadar was committed to the sessions, and convicted of culpable homicide, and sentenced to three years' imprisonment.

209. In the second case, upwards of a seer and a half of white arsenic had been found on some chumars in the thanah of Bheenpoorah; their statement so far implicated Kodye Chumar, of thanah Secunderpore, that a requisition was sent, to have his house searched. This was done, but no poison was found; Kodye

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* Criminal Narrative, dated 11th June (No. 7) 1855.—(207.) Consideration of the Commissioner's recommendation for the grant of deputy magistrate's powers to the tehseeldar of Massool appointed on the removal of Basut Ally, tehsildar, and Mahomed Jawud, peshkar. It appears that a servant of the tehsildar accompanied a zemindar to enforce a decree for arrears of rent, together with the tehsildaree peon, whose duty it was to see to the execution of the decree. The defaulter who was unable to pay having been tied to a tree and severely beaten, his death ensued in consequence of the injuries he received. On the tehsildar's being informed that his servant was the party chiefly implicated, he sent a thanadar, appointed by his recommendation, to report on the death, which was returned as one from cholera. On investigation all the parties implicated in the ill-usage were committed for trial and convicted. The case of Basut Alee being brought to the Lieutenant-governor's notice, further investigation was ordered, which, though no legal proof was obtained, greatly strengthened suspicion of complicity against the tehsildar and his peshkar. They were removed from office and the re-employment of the former interdicted.

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Kodye denied all complicity, and the charge, as against him, fell to the ground. In spite of this, Mahomed Allee mohurir, the acting thanadar, two days afterwards, went a second time to his house, seized him, and insisted on his producing arsenic. It appeared that for some time the mohurer and burkundauzes beat him with sticks until he fainted, and died on his way to the thanah.

EXTRACT from the Proceedings of the Honourable the Lieutenant-Governor of the North-Western Provinces in the Criminal Branch of the Judicial Department; under date 30 December 1854.

(No. 171.)

No. 438. LETTER from *H. C. Tucker*, Esq., Commissioner Fifth Division, to *W. Muir*, Esq., Secretary to Government, North-Western Provinces.

Sir,

IT is with deep regret I submit the two accompanying reports (No. 114 and 115), dated 9th instant, from the magistrate of Azimgurh, relative to the death, by illegal duress, on the part of two thannadars, of two chumars, supposed to be in possession of white arsenic for poisoning cattle.

2. In the first case mentioned in report No. 114, four prisoners confessed to having received arsenic from Deehull; he was seized by Roshun Alee, thanadar of Beluriagunje, and was willing to confess, but the thanadar insisting on his producing some of the poison, his arms were tied behind him, and he was half suspended from a tree, and expired in about six hours. The thanadar immediately sent in the corpse, and admitted the tying to a tree; but declared the deceased had swallowed the arsenic instead of producing it. The medical officer, on examination, found this assertion to be false. The intestines were totally empty; there were no marks of beating, or anything of that kind; but there were marks on the arms, as of ropes tightly tied: and it would appear that the deceased having been recently ill, and being seized in the morning with a totally empty stomach, sunk under the illegal duress of the thannadar by 2 p.m. Mr. Bax was immediately deputed to make strict investigation on the spot; the thannadar was committed to the sessions, and has been convicted of culpable homicide, and sentenced to three years' imprisonment.

3. The other case does not possess the same extenuating circumstances of the prisoner's confession, immediate report of death and duress, and apparent absence of actual beating. Upwards of a seer and a half of white arsenic having been found on some Chumars in the adjoining thanna of Bheempoora, their statements so far implicated Kodye Chumar, of thanna Sekunderpoor, that a requisition was sent to have his house re-searched. This was done, but no poison was found. Kodye denied all complicity, and the charge as against him fell to the ground. In spite of this, Mahomed Alee, mohurrer, the acting thannadar, two days afterwards went a second time to his house, seized him, and insisted on his producing arsenic. It appears that for some hours the mohurrer and burkundazes beat him with sticks until he fainted, and died on his way to the thanna. The mohurrer then got up a case as of accidental death by falling from a tree; he reported accordingly, and made away with the corpse. On the return of the thannadar, who was on bad terms with the mohurrer, he discovered and reported the true state of the case, which was proved on local investigation by the acting tehseeldar. Mr. Campbell is displeased with the tehseeldar's not having put himself more prominently forward, but it has not been customary for tehseeldars to act in the first instance as darogahs, the thanadar being present, but rather to superintend the investigations of the latter officer, and countersign the evidence, &c., &c. Mehndeeoll Zuman, is not a bright or active man, and I have doubts as to his fitness for a tehseeldarree, but I do not consider him actually to blame in the present instance. Had he believed it to be his duty he would have been only too glad to take the credit of the case. Mr. Campbell is desirous of a local investigation by a European officer, before committing the acting thanadar and his accomplices to the sessions, and I think he is right.

4. These two deaths are very lamentable; but it is very difficult to prevent native police officers running amuck as it were, when they think they know a course

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course of conduct which will display their zeal and intelligence, and ingratiate them with their superiors. Upwards of 700 persons had been seized for cattle poisoning; it was known that Mr. Campbell was very anxious to ferret out all the criminals, and that orders had been received from Government to "root out thoroughly a system so hurtful to the property and interests of the agricultural community." The police were, therefore, all on the *qui vive*, and Roshun Allee, who had been previously fined for remissness, and Mahomed Alee, who wished to illustrate his acting appointment, carried their duress to a point which either directly caused or else accelerated the death of their unfortunate victims. The speedy commitment and punishment of Roshun Ali will show that the European officers will not encourage such practices; and if the punishment of Mahomed Ali be such as he richly deserves, it will be a most useful warning to the police of the district and its neighbourhood.

5. The absence on leave of Mr. M'Chlery, joint magistrate, has greatly fettered Mr. Campbell's powers of locomotion and personal supervision, but I can bear witness to his earnest desire to have the heavy subject of cattle-poisoning investigated in the most regular, fair, and proper manner.

I have, &c.
(signed) *H. C. Tucker*,
Commissioner.

Commissioner's Office, 5th Division, Camp Byreea,
Zillah Goruckpore, 11 December 1854.

EXTRACT Judicial Letter to India; dated 4 February (No. 13) 1857.

141. IN both these cases* the native officer in charge of the thannah having received information of the possession of poison by the deceased persons, resorted to illegal violence of a description so severe as to result in death, with a view to extort it from them. Both the cases occurred, though at different thannahs on the same day, and the chief defendants being in both cases committed for culpable homicide were punished in the former by three, in the latter by seven years' imprisoment. We perceive from the correspondence forwarded with paragraph 11 of the present narrative, that the Sudder Court consider the sentences in both cases as totally inadequate, and that the defendants ought to have been committed for the higher crime of murder; in this opinion we entirely concur. The necessity of effectually putting down the practice of torture or violence by officers of police by punishing with great severity all who are convicted of the crime, whether the result be fatal or otherwise, cannot be too strongly impressed upon the judicial authorities. In the event of the death of the sufferer being the consequence of such atrocities, the crime is murder, and it should be punished accordingly.

142. We have already remarked that the sentences in both cases were far too lenient. In the first case the sentence being below five years' imprisonment, the defendant was entitled by law to have labour commuted to a fine; but in the second we think that labour should have been added to the tannahdar's imprisonment.

143. In all such cases as are here brought to our notice, labour should, we think, form part of the sentence, and the punishment be of such severity as will effectually operate as an example, and serve to deter our police officers from the Asiatic custom of coercion of their prisoners by the employment of most unwarrantable means.

144. The executive government cannot prescribe to the criminal courts the sentences to be passed in trials which may come before them. It is, however, perfectly competent to you to remark upon the sentences passed by them, and should

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* (207 to 212.)—Death of two Chumars by the illegal violence of the tannah establishment, with the view of extorting arsenic, which they were suspected of possessing for the purpose of cattle poisoning. The thanadar, in the first case, was sentenced to three years' imprisonment, and in the second case, to seven years' imprisonment. The Lieutenant-governor directed the Sudder Court to call for and revise the proceedings in the latter case in connexion with the former, previously referred to them. Their report on both is transmitted in para. 11 of this narrative.

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should the courts continue a course of inadequate punishment in cases of torture for the purpose of extorting confessions, it will be for the legislature to interfere by the enactment of a law prescribing a minimum punishment for such offences.

— No. 4. —

Measures for Repression of Torture.

Extract from Judicial Criminal Narrative, North-Western Provinces; dated 11 January (No. 2) 1856.

Correspondence regarding the repression of torture and violence used by the police in extorting confessions.

Para. 3. The Lieutenant-governor forwarded to the Nizamut Adawlut copy of a circular issued by the Judicial Commissioner in the Punjaub on the repression of the practice of torture or violence on the part of police officers. His Honor observed, that the extreme frequency of confessions recorded before police officers and magistrates in India, and retracted on the subsequent trial before the sessions court, had often excited attention, and repeated orders had been issued by the Government and by the Sudder Court, in order to provide stringent checks against any abuses in the obtaining of such confessions. In a circular very recently published by the Court, special precautions of a very useful and practical kind had been required to be observed in taking down of confessions when made by prisoners before the magistrates. The true remedy, his Honor observed, against malpractices of all kinds on the part of police officers must be in the energy and vigilance of the district magistrates, and in their firm determination to put down every habit of laxity or oppression. A mere engagement from these officers to abstain from what they already well know to be an absolutely prohibited and criminal act, might not in itself appear likely to give much additional security; but the requisition of such a special paper might also on the other hand serve to mark the earnest attention with which the Government regards the subject, and the measure might therefore be found to be attended with some degree of beneficial effect. The Court were requested to procure the opinions of the several Commissioners of Divisions, and to report them with their own sentiments, on the expediency of directing the execution of a bond to the effect stated, by all superior police officers in these provinces. His Honor intimated, that a copy of this letter would be forwarded to the Chief Commissioner in the Punjaub, with a request to favour this Government with a full copy of the circular in question, including the prescribed form of bond, and all its other appendices; and a copy of this letter should also be eventually communicated to all magistrates, so as to aid in maintaining their utmost effort to secure justice and purity of administration in their several districts, while the Court were expected, in every instance coming under their notice judicially, to apportion the sentence to the highly grave character of the offence. His Honor finally begged to be furnished with a statement of the number of cases in which police officers of any grade had been convicted or sentenced in each district for acts of violence of whatever degree in the course of judicial investigations since the 1st January 1853. A copy of the above communication was forwarded to the Secretary Chief Commissioner, Punjaub, with a request on the part of the Lieutenant-governor to be supplied with a full copy of a circular, with a bond and appendices, as above stated. The circular above alluded to, complete with all appendices, was subsequently received from the Punjaub Government, and forwarded to the Sudder Court, in continuation of former correspondence. In connexion with this subject, the Nizamut Adawlut forwarded copy of a circular issued by them to all magistrates, requesting them to furnish a statement of the number of cases in which police officers had been convicted or sentenced for acts of violence committed in the course of judicial investigations from January 1853 to June 1855, including cases in which sentences were passed by sessions courts. The Court issued a further circular to all superintendents of police and Commissioners of Divisions, requesting their opinion as to the expediency of introducing into these provinces a measure for the repression of torture by police officers.

Extract

EXTRACT from Judicial Criminal Narrative, North-Western Provinces; dated 10 March (No. 5) 1856.

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Regarding the expediency of introducing special measures for the repression of the practice of torture on the part of the police.

Para. 8. WITH reference to former correspondence, the Court submitted their sentiments, accompanied by an abstract of the opinions of the several Commissioners and superintendents of police, on the subject of introducing special measures for the repression of the practice of torture on the part of police officers. On a full consideration of the matter, his Honor was of opinion with the Court, and the majority of the authorities consulted, that it would be desirable and proper to take from superior police officers, such as thannadars and first-class jemadars, on their appointment to their offices, an engagement, specifically promising to abstain from all acts of torture or illegal violence in the performance of their duty. Coinciding with the suggestion of the Court, his Honor also considered that this engagement might, too, with advantage, be extended so as distinctly to bind such officers to refrain from other prohibited acts of specially grave misconduct or impropriety. The issue of the order to this effect was, however, reserved until the completion and distribution of the new edition of the Darogah's Manual, then in course of preparation, under the immediate superintendence of Mr. Dashwood, the officiating register to the Court. In furtherance of the proposition of the Court to publish in a pamphlet form, a compendious collection of the several laws and orders which have been from time to time enacted and promulgated for regulating the procedure in regard to suspected or apprehended parties, his Honor observed, that a separate section or chapter in the manual might conveniently be devoted to the purpose. A circular was issued to the magisterial officers, transmitting copy of the present correspondence, and drawing pointedly to their notice the very just and pertinent observations of the Court, demonstrating the inutility of requiring any bond from the police officers unless the magisterial authorities were careful to temper with discretion the punishment of their subordinates, in cases of failure in detecting crime. Proved instances of misconduct or neglect of duty, the Court observed, should be met with prompt punishment, but to have recourse to the often-adopted practice of censuring, threatening, suspending, or superseding by fresh agency police officers who may have been unsuccessful in searching out and exposing crime, would be to enhance those evils which Government is most anxious to eradicate. The Court, intimating their having, in concurrence with the Presidency Court, resolved upon the rescission of Construction 1167, considering commonly that the detention of a prisoner more than 48 hours (which that Construction left discretionary with the magistrates) in the custody of the police, either at the thanna or elsewhere, was not warranted by the imperative terms of clause 16, section 19, Regulation XX. of 1817, and was therefore illegal, and had, the Court stated, been much and habitually abused in practice. His Honor did not doubt that the measure would have a very beneficial effect, and added that measures were in active progress, and had indeed been completed in many districts of these provinces, for securing an important increase to the pay of thannadars, and other higher grades of the police, through the operation of which he trusted that a more trustworthy police agency would ultimately be generally introduced.

9. The Court submitted, for the information of Government, copy of a circular issued by them to criminal authorities in the North-Western Provinces, notifying the rescission of Construction 1167, which vested a magistrate with discretionary power to authorise the detention at the thanna of persons charged with criminal offences beyond the period specified in section 19, Regulation XX. of 1817.

EXTRACT Judicial Letter to India; dated 3 June (No. 34) 1857.

Criminal Narrative, dated 11 January (No. 2) 1856.

(3, and paras. 8 and 9 of the Narrative for the 4th quarter of 1855.)—Correspondence regarding the repression of torture and violence used by the police in extorting confessions.

36. THE papers of this collection bring to our notice certain measures which have been adopted under the instructions of the Lieutenant-governor for the repression of the practice of torture on the part of the officers of police.

37. It appears that the principal police officers in the Punjab are required to subscribe a declaration that they will abstain from all attempts at extorting confessions from persons charged with

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with crimes. The Lieutenant-governor of the North-Western Provinces has, after communicating with the Sudder Court, and through them with the Commissioners of Divisions, resolved that superior police officers, such as tannahdars and first class jemadars, shall subscribe a similar declaration on their appointment to office, and shall further bind themselves "to refrain from other prohibited acts of specially grave misconduct or impropriety."

38. We think it probable that the general introduction of a rule requiring the principal police officers to subscribe a declaration, on taking office, of the nature of that which is in use in the Punjab, will be attended with beneficial results. It will indicate the mind of the Government as to the practice of torture, and serve to convince the police officers of its desire and determination to eradicate the evil. We fear, however, that the addition made by the Lieutenant-governor in regard to "other prohibited acts of specially grave misconduct or impropriety," deprives the declaration of any force it might otherwise have had, by putting a resort to torture on a level with other acts which, however culpable, are of a lower grade of guilt. The subject of torture is one which should be dealt with by itself, and for this reason we consider the form of declaration in use in the Punjaub to be preferable to that prescribed by the Lieutenant-governor of the North-Western Provinces; at the same time it appears to us an objectionable principle to make any particular class of officers declare that they will abstain from "prohibited acts." Other officers, from whom that declaration is not taken, may suppose that they are not required to abstain from such acts. We are of opinion, that a preferable course would be to take from every police officer a declaration that he is aware that the infliction of torture of any kind, or for any purpose, is prohibited, and that a breach of the prohibition will be visited with prompt and severe punishment, in addition to the loss of appointment.

39. We would again refer you to our despatch to the Bombay Government, dated 5th March 1856, a copy of which was forwarded to you in our despatch of the same date (No. 11), in which it was suggested that darogahs of police should henceforth be directed to abstain from receiving and recording confessions.

40. We entirely approve of the suggestion to devote a separate section of the Darogha's Manual, proposed to be issued to the police officers, to a compendious collection of the several laws and orders which have from time to time been enacted or published for regulating the procedure in regard to suspected or apprehended parties. We trust, however, that that procedure will shortly be greatly modified by the imposition of the restrictions referred to upon the police officers in regard to the examination of persons charged with crimes. The publication of the joint opinion of the Presidency and Agra Sudder Courts, as to the absolute illegality of the detention in the mofussil, by the police, of accused persons beyond 48 hours, will no doubt exercise a very beneficial effect, as will also the measures adverted to by the Lieutenant-governor, as in actual progress, for raising the pay of the higher officers of police, and thereby securing a better and more trustworthy agency in that department.

41. We approve of the orders of the Lieutenant-governor directing the circulation of the correspondence on this subject to the magisterial authorities. We hope to have no further occasion for repeating orders upon the subject of torture, but that prompt and peremptory dismissals of the offenders, and the unerring infliction of punishment, will entirely eradicate its use.

—No. 5.—

Case by Sheobuluk, Darogah of Suleempore.

Extract Agra Judicial Narrative (North Western Provinces, Third Quarter of 1855); dated 11 January (No. 2) 1856.

5. The Nizamut Adawlut forwarded to Government copy of a correspondence which had passed between the Court and the district officers of Goruckpore, relative to a case of proved maltreatment on the part of the police of that district,

district, on the person of a prisoner named Sheobuluk, subsequently sentenced by the sessions judge to five years' imprisonment with labour in irons, on conviction of burglary. The remarks of the sessions judge on that conviction, and the minute of the senior judge of the Sudder Court, Mr. A. W. Begbie, on the case, in which the other judges fully concurred, were also submitted. It appeared from the report of the civil surgeon that Sheobuluk had received injuries on the right knee and left wrist, both of which limbs were likely to be crippled for life, and that he had been subjected to this torture at thanna Saleempore in order to the extortion of the confession which he there made. The sessions judge referred the case to the Sudder Court, and, in reply, was directed to institute an immediate inquiry, to be conducted by the magistrate or joint magistrate in person, with a view to the arraignment of the party who had inflicted the torture. From the remarks recorded by the joint magistrate, it appeared that the torture consisted of tying up the toes of the prisoner Sheobaluk to his neck, and in that state beating him severely on the knee-joint of one leg, and the wrist-joint of one of his hands, so as to cause inflammation of the tendons around those joints; the result of which was that both those limbs were likely to be crippled for life. It appeared from the reply of the sessions judge to the Court that the joint magistrate had dismissed the naib darogah, convicting him on the two following accounts:— 1. Directing and superintending cruel treatment to procure confession; and 2. Permitting cruel treatment of a prisoner under his immediate care and custody; and had further convicted one Sheo Suhae, who, though not a police officer, was the party who inflicted the torture, and sentenced him to six months' imprisonment with labour in irons, and a fine of 100 rupees. It appeared, that on the report to the thanna at Saleimpore of one Rattun, complaining of his father's house having been robbed of 400 rupees, the houses of Muhungoo and Sheobaluk were searched, and those men apprehended. They confessed to having committed the robbery in company with one Bodee, who was also apprehended, and they all delivered up a portion of the stolen money. These confessions, made at the thanna, and before the joint magistrate, added to the evidence of the witnesses to the identity of the recovered property, and other corroborative evidence, induced the sessions judge to convict the prisoners of the crimes charged against them, and to sentence them each to five years' imprisonment, with labour in irons. In his minute on the case, Mr. Begbie recommended that the prisoner, Sheobaluk, should be at once released, in consideration of the cruel treatment to which he had been subjected by the naib darogah. The confessions extorted from him were believed to be true, as portions of the stolen property and money were found in his house and given up by him, besides other corroborative evidence; but Mr. Begbie proposed to apply to Government for the pardon of Sheobaluk on personal and not judicial grounds. He added, that he could not dismiss the case without expressing his opinion that the joint magistrate had not sufficiently punished the naib darogah by simply dismissing him, and thought he should be committed to take his trial before the sessions court. In reply, the Lieutenant-governor entirely concurred in the view of the case taken by the Court, and was pleased accordingly to pardon and sanction the release of the prisoner Sheobaluk. The Commissioner of Benares was furnished with a copy of the Court's letter, and of Mr. Begbie's minute, and instructed to direct the magistrate of Goruckpore to institute immediate prosecution, if adequate proof of his misconduct should be forthcoming, against the naib darogah, or thannadar, and to report at once for the orders of the Lieutenant-governor, why this obviously right and necessary course was not adopted in the first instance. Mr. Tucker subsequently reported, that he had instructed the magistrate of Goruckpore to proceed against the naib darogah without delay, and enclosed copies of the instructions which he had issued on the subject, and which his Honor entirely approved. Another communication was received shortly after from the same officer, intimating that there was not sufficient proof for the commitment of Oodey Khan Singh, the thannahdar in question, to the sessions, but that a declaration by Government of his incapacity to serve Government again, would have a better effect than running the chances of a commitment on insufficient evidence. In reply, his Honor forwarded to Mr. Tucker a copy of a notification declaring Oodey Khan Singh incapacitated for future service under Government.

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EXTRACT Judicial Letter to India; dated 3 June (No. 34) 1857.

Criminal Narrative, dated 11 January (No. 2) 1856.

(5.) Case of mal-treatment and torture inflicted on one Sheobalak, by the naib darogah of Saleempore, in zillah Goruckpore.

43. THE injured party, Sheobalak, was arrested, with some others, on a charge of burglary, and on conviction by the sessions court, sentenced to imprisonment for a period of five years, with labour in irons. He had made a confession at the tannah, but there appears to have been evidence to warrant his conviction, independently of such confession.

44. On his arrival at the head station of the district, the prisoner Sheobalak was admitted into the gaol hospital, the cause of his admission being, as stated by the civil surgeon, the severe nature of the injuries under which he was suffering. "The principal injuries he has received," adds the surgeon, "are in the right knee and left wrist, both of which limbs are likely to be crippled for life." The prisoner stated to the surgeon that the injuries had been inflicted at the tannah, for the purpose of extorting a confession from him. That there was no immediate judicial inquiry into the circumstances which led to this crippled condition of the prisoner, indicates, as far as we can gather from the papers of the collection, a striking failure of duty on the part of Mr. Paterson, the officiating magistrate, to which we shall again refer in the sequel. The matter having been brought by the session judge to the notice of the Sudder Court, inquiry was ordered, and was conducted by the officiating magistrate, who reported that he had sentenced the person who actually inflicted the beating on the prisoner, to six months' imprisonment, and that having convicted the naib darogha of directing and superintending cruel treatment of a prisoner, in order to procure a confession, he had dismissed him from his office.

45. The proceedings on the inquiry having been reported to the Sudder Court, were first laid before Mr. Begbie, who very properly remarked that "the offence of which the naib darogha had been convicted was of so grave a character, that the perpetrator should have been committed to take his trial before the session court." He proposed to address the Government with the view of having the naib darogha declared incapable of again serving Government in any capacity whatever, and of procuring for the prisoner Sheobalak a remission of the sentence passed upon him by the session court. The other judges of the Sudder Court concurred in the view of the case taken by Mr. Begbie.

46. The recommendation of the Court in favour of the prisoner was acceded to by the Lieutenant-governor, and he was pardoned. Of this measure we entirely approve.

47. The Lieutenant-governor further issued instructions, through the Commissioner, directing the magistrate to institute an immediate prosecution, if adequate proof of misconduct should be forthcoming, against the naib darogha, and to report at once why this obviously right and necessary course was not adopted in the first instance.

48. The explanation on the last-mentioned point, as given in the words of the Commissioner, Mr. H. C. Tucker, is as follows: "Mr. Paterson taking the tannahdar's previous character and services into consideration, considered that dismissal was a sufficient punishment for the guilt proved against him, and in this I concurred."

49. In regard to the further prosecution, it was stated that there was not a sufficiency of legal evidence to warrant the commitment of the naib darogha.

50. It is alleged that the prisoner Sheobaluk was ill-treated on two separate occasions; on the first, by the roadside as he was being conveyed to the tannah, where the maltreatment was not severe; the other at the tannah, where the injuries were inflicted which resulted in his being crippled for life. The officiating magistrate was of opinion that the naib darogha was convicted of having personally directed the beating on the first occasion, but that in regard to the maltreatment at the tannah, the evidence as it affected that individual was considerably at fault. In no other way than on the ground of his acquittal of the graver charge, added to the lamentable degree of indifference with which some district officers have been in the habit of regarding the assumption

assumption of improper authority by their subordinates, can we account for the opinion of the Commissioner and the officiating magistrate that the naib darogha was sufficiently punished by dismissal from office. North-Western Provinces.

51. We have not the evidence before us, and are therefore unable to pronounce a decided opinion as to its sufficiency or otherwise to warrant the commitment for trial of the naib darogha; but judging from the papers of the collection, we think that the magistrate would have exercised a much sounder discretion had he sent the case for trial before a superior court. There was the evidence to the previous beating on the roadside under the immediate direction of the naib darogha; there was the legally admissible evidence of the injured man and his associates in crime to the subsequent maltreatment at the tannah, which was under the charge of the same naib darogha; and there was the evidence of the civil surgeon to the nature of the injuries, and of course to the fact of injury having been inflicted. It appears to us that whatever might have been the result of the trial, there was ample ground for commitment, with good prospect of a conviction.

52. That the evidence was not so complete as it might have been we think very probable. It is still more probable that it would have been more complete had the case been promptly investigated. This is a point to which the attention of the Lieutenant-governor and of the Suddur Court has not been sufficiently directed. A prisoner is sent in by the police bearing upon his person the marks of injuries recently inflicted, which result in making him a cripple for life, and yet no inquiry as to the cause of those injuries is made until after the prisoner has been tried before the session court. We desire that the magistrate may be called upon for an explanation of this very serious omission. We do not think it necessary at this distance of time to direct the farther prosecution of the case against the naib darogha, especially as a notification declaring him incapacitated for future service under the Government (which in the event of a prosecution should have followed instead of preceding the trial) has been promulgated by an order of the Lieutenant-governor.

— No. 6. —

By Officers of the Dacoitee Department.

Extra Agra Judicial Narrative (North-Western Provinces, Third Quarter of 1855); dated 11 January (No. 2) 1856.

46. The Commissioner, Saugor and Nerbudda Territories, forwarded correspondence relating to a case of torture which had occurred in the Jubbulpore district, the offenders being approvers of the Thuggee department. The facts of the case, as stated by that officer, were briefly these: In December 1854, a dacoity occurred in the above district, and Major Sleeman, general superintendent for the suppression of dacoity, sent a party of his establishment to co-operate with the magistrate and police in tracing the dacoits. The magistrate, Captain Pinkney, had been previously on the spot, and had released the suspected, but the thuggee party again apprehended them, and among them two brothers, Nirmud and Sheoraj, whom they confined and maltreated. Nirmud died of the blows and other tortures to which he had been subjected. Ameer Khan, the duffadar, and Ameer Ali, the mohurrir, of Major Sleeman's party, were found guilty by the sessions judge (copy of whose letter to the Sudder Nizamut Adawlut was submitted) of the culpable homicide of Nirmud, and sentenced each by the Court to 14 years' imprisonment, with labour, while Baldeo, a nujeeb of the same party, had been convicted and punished for maltreating Omrao. The Court's judgment on the case was submitted for the information of the Lieutenant-governor. The inquiry into the misconduct of the thuggee officials was commenced by Major Sleeman; but at the request of Captain Pinkney, the former at once made over the case to the latter. The question of the relative jurisdictions of these two officers in the case was adverted to in the letter of the sessions judge, and commented upon by the Thuggee and Dacoitee.

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Sudder Court, who intended to take up the question at an early date, with a view to the issue of some general instructions, so as to remove all doubt, and prevent collision between the two departments; though in the present instance, owing to the right feeling and good sense of the officers employed in the investigation, nothing of the kind had occurred. In consequence of the above, his Honor addressed a letter to Major Sleeman, forwarding copies of the entire correspondence above noticed, and requesting him to state under what rules subordinate officers, with approvers from the Thuggee department, were sent out to act in co-operation with the district police on occasions like that now brought under notice. The Lieutenant-governor had understood that they were deputed only to supply information to the district authorities, and not with any permission to exercise independent powers. The occurrence of this present lamentable case, his Honor observed, proved how indispensable it was to reconsider the whole system of checks at present established, in order to provide against the probable hazard of abuse or violence by the approver parties. One of the entries, his Honor added, in the evidence, marked also that it was important to prevent as far as possible the employment of parties related to each other in the office of the superintendent for the suppression of dacoity, and in the subordinate executive establishments.

EXTRACT Judicial Letter to India; dated 3 June (No. 34) 1857.

Criminal Narrative, dated 11 January (No. 2) 1856.

Thuggee and Dacoitee.—(46, and para. 253 of the Narrative for 4th quarter of 1855.)—Case of torture and culpable homicide by officers of the Thuggee and Dacoitee department.

95. A DACOITY having occurred in the Jubbulpore district, Major Sleeman, general superintendent for the suppression of dacoity, sent a party of his establishment, headed by a duffadar and a mohurrir, to co-operate with the magistrate and police in tracing the dacoits. Previously to their arrival, certain suspected persons had been apprehended, but after inquiry had been released by the magistrate. These were again arrested by the party belonging to Major Sleeman's establishment, some of whom, with a view of extorting a confession, beat and otherwise maltreated one of the persons apprehended, so as to cause his death. The case was very carefully investigated by Captain Pinkney, Deputy Commissioner of Jubbulpore, and the duffadar and mohurrir were convicted of the maltreatment and "culpable homicide" of the deceased by the session judge, who very properly referred the case to the Nizamut Adawlut, by whom the above-mentioned defendants were sentenced each to imprisonment for 14 years, with labour in irons.

96. We trust that this example will have the effect of convincing our native officers that the Government and the courts of justice are resolved to put down the system of torture for the purpose of extorting confessions which so extensively prevails.

EXTRACT Judicial Criminal Narrative, North-Western Provinces; dated 10 March (No. 5) 1856.

* Jubbulpore.

Para. 253. THE Commissioner of these territories recommended the grant of a charitable allowance to the family of Nirmid Bais, in this district,* who met his death by maltreatment from certain native officers of the Thuggee department. From the papers connected with the case it appeared, that certain suspected persons, who had been released by the magistrate of Jubbulpore, were apprehended by a party belonging to the establishment of Major Sleeman, general superintendent for the suppression of dacoitee, from whom one of the apprehended persons, named Nirmid Bais, received blows and other torture, with a view to extort confession; in consequence of which maltreatment he died, leaving a "married" widow, Mussamut Neema, and by her two daughters and a son, all under nine years of age; and also a "dospta" widow, and by her a son and a girl, both under two years of age, who were unprovided for. The correspondence was, by order of the Honourable the Lieutenant-governor, forwarded for the favourable consideration of the Supreme Government. Under the circumstances stated, the Honourable the President in Council was pleased to

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to sanction the grant of a compassionate allowance of four rupees per mensem for the support of the family until the two boys both attained the age of 16 years, and then two rupees a month for the life of Mussamut Neema.

— No. 7. —

PUNISHMENT OF AHMED HOSSEIN KHAN, FOR CERTAIN ACTS OF TORTURE ALLEGED TO HAVE BEEN PRACTISED BY HIM.

EXTRACT from Judicial Criminal Narrative, North-Western Provinces, dated 20 May (No. 9) 1856.

Regarding adequacy of punishment of a jemadar for acts of torture on his part.

171. IN reply to letter dated 22d December 1855, calling upon the Commissioner for his opinion as to the adequacy of the punishment awarded to Ahmed Hossein Khan, jemadar of Boorhanah, in this district,* for certain acts of torture alleged to have been practised by him, that officer reported that the evidence against the jemadar was not sufficient to prove that he had actually beaten the informers in a case of robbery, and that it was even doubtful whether he had suspended them up by the wrist on trees, for which the magistrate had ordered his suspension for four months. It seemed highly probable that the charge of torture was got up by the party suspected of instigating the robbery in the case referred to.

* Moozuffernugger district.

172. Ahmed Hossein Khan had been thrown out of employ on the revision of the police establishment. Under the circumstances reported, the case called for no further notice from Government.

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CHARGES AGAINST MR. BRERETON, LOODIANA DISTRICT.

EXTRACT Political Letter from India; dated 22 December (No. 67) 1855.

1855. Cons. 27 April, Nos. 250 to 256.

45. THE Chief Commissioner submitted a report of the circumstances under which it was thought necessary to supersede Mr. H. Brereton, in charge of the Loodiana district, and to keep that officer in virtual suspension until the pleasure of Government should be known.

46. With reference to the charges laid against Mr. Brereton, the Chief Commissioner stated that the report of the Commissioner of the Cis-Sutlej States had shown "that certain native employés, not holding regular offices, had been commissioned, without written orders or directions, or formal responsibility, or any check whatever, to prefer charges, to procure evidence, to make arrests, to search houses, to seize property, to retain persons for long periods in close custody; in short, to hold a separate criminal court, and to exercise magisterial power, while ranging both through the Loodiana district and the neighbouring native states. It showed that these men abused their irregular trust in each and all the proceedings above enumerated, and that in many cases they inflicted cruel torture. It showed that in matters under the immediate cognizance or direction of the Deputy Commissioner himself, houses of wealthy citizens had been causelessly searched; that property seized on such occasions, though neither claimed nor identified, was detained for lengthened periods; that many parties were thrown into prison, and lay there for weeks, without charges being exhibited against them, and without their defence being taken; and that the laws relating to security for bad character had been applied with sweeping and indiscriminating severity. Lastly, it showed that the Deputy Commissioner had been followed about from district to district by certain police

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officers and informers, whom he employed wherever he went; and that these men had been the main authors of the recent mischief."

47. The Chief Commissioner and all the local authorities considered that these charges had been completely proved. Mr. Brereton himself did not dispute the accuracy of the main facts which had been alleged against him, but he had made a very full statement and explanation in defence of his conduct.

48. The Governor-general (to whom the report was referred for information and orders) observed, that while Mr. Brereton's statement afforded a full explanation of his conduct, it had neither justified nor extenuated that conduct.

49. The Chief Commissioner submitted, that "when great faults are clearly brought home to an officer, some example is called for, to vindicate the administration before the people, and to preserve it pure from the like scandal hereafter."

No. 97.

(No. 126.)

LETTER from *R. Temple*, Esq., Secretary to the Chief Commissioner for the Punjab, to *G. F. Edmonstone*, Esq., Secretary to the Government of India, Foreign Department, Fort William.

Sir,

Judicial Department.

I AM directed by the Chief Commissioner to report, for the information and orders of the most Noble the Governor-general in Council, the circumstances under which it was thought necessary to supersede Mr. H. Brereton in the charge of the Loodiana district, and to keep that officer in virtual suspension, until the pleasure of Government shall be known.

2. During October last, certain vernacular petitions were addressed to the Chief Commissioner by residents of Loodiana, complaining against some proceedings in the criminal department, and inveighing against the conduct and antecedents of some employés of the Deputy Commissioner. These were sent to the Judicial Commissioner, with a request that he would call on the Commissioner, Cis-Sutlej States, for a report, with special reference to the history and qualifications of the employés complained against. Shortly afterwards the Commissioner proceeded to Loodiana to attend the examination, and took that opportunity of inquiring into Mr. Brereton's criminal administration. The result of that inquiry was the transmission of a detailed report, which reached the Chief Commissioner through the Judicial Commissioner, and of which a copy is appended. This report pointed to grave maladministration. It showed that certain native employés, not holding regular offices, had been commissioned, without written orders or directions, or formal responsibility, or any check whatever, to prefer charges, to procure evidence, to make arrests, to search houses, to seize property, to retain persons for long periods in close custody; in short, to hold a separate criminal court, and to exercise magisterial power, while ranging through both the Loodiana district and the neighbouring states. It showed that these men abused their irregular trust in each and all of the proceedings above enumerated; and that in many cases they inflicted cruel torture. It showed that in matters under the immediate cognizance or direction of the Deputy Commissioner himself, the houses of wealthy citizens had been causelessly searched; that property seized on such occasions, though neither claimed nor identified, was detained for lengthened periods; that many parties were thrown into prison, and lay there for weeks, without charges being exhibited against them, and without their defence being taken; and that the laws relating to security for bad character had been applied with sweeping and undiscriminating severity. Lastly, it showed that the Deputy Commissioner had been followed about from district to district by certain police officers and informers whom he employed wherever he went, and that these men had been the main authors of the recent mischief. Such being the substance of the facts alleged, the Chief Commissioner conceived the gravity of the case to be so urgent as to demand prompt interposition. He, therefore, ordered Mr. Brereton to make over charge of his district

district to another officer, to furnish explanation, and to exercise no public functions pending the orders of Government. Mr. Brereton was delayed by sickness in the preparation of his reply, and on the receipt of this document some references on minor points seemed necessary; the replies to the last of these have only just been received, copies of all the English papers are now submitted herewith. The vernacular papers have been examined by the Chief Commissioner, but it is not thought requisite to forward them.

3. It will in the first place be observed from these papers, that Mr. Brereton, in his defence, does not contradict or rebut the facts as arrayed in the preceding paragraphs. He virtually admits the misconduct of his employés; the house-searching, the delays in criminal trials, the constant employment of certain attachés and informers. He, in short, confines himself to extenuation of his own conduct in connexion with these unfortunate affairs. The facts, indeed, may be considered as fully proved. An abstract of the evidence is given in the Commissioner's report. The circumstances alleged are quite borne out by the vernacular depositions; especially the sad instances of torture. As regards the extenuation, the Chief Commissioner cannot say that it appears to him sufficient to exonerate Mr. Brereton from very serious blame.

4. The grounds of this extenuation are entered into at length in Mr. Brereton's defence, and are summed up clearly in paragraphs 75 to 80 of that document, and need not be recapitulated. With a few brief remarks, the Chief Commissioner will leave them to carry such weight as they may. The strongest point, perhaps, is the consideration that the two employés (by name Futteh Jhung Khan and Ahmed Yar), who committed most of the iniquities mentioned in my second paragraph, were entertained as special detectives in one great robbery case, known as the "Coop Dacoity." It might therefore appear that the mal-administration was confined to this particular case, and did not extend to the police management generally. Now, the Chief Commissioner is willing to believe that this oppressive system had not spread over the district, nor infected the body of the ordinary police, though indeed a bad example had been set them. But the Chief Commissioner must observe, that there were other cases distinct from those arising out of the Coop Dacoitee, and in these additional cases were some of the worst instances of torture; moreover, the Coop inquiry was unreasonably protracted; it remained as a standing scandal, exciting alarm through a large tract of country. Owing to the disregard by Mr. Brereton, in this case, of the rules regarding returns and reports, supervision on the part of superior authority became impossible, as the detectives worked on only verbal orders (or on no orders at all); they eluded all the unusual checks; and, as the Commissioner remarks, no one knows the number of arrests they made and did not report, and the amount of property they seized and did not account for. It is to be feared also that, this case ended, Futteh Jhung would have had some other similar task entrusted to him. His associate, Ahmed Yar, was actually so employed in patrolling the road when the Coop case was drawing towards a close. Much is said by Mr. Brereton regarding the intrigues in his own office to secretly encourage, and then to expose these affairs. The Chief Commissioner does not see that this argument has any real foundation. Press of business at a bad season of the year may have caused some delay and laxity in the conduct of criminal trials, but cannot excuse such proceedings as the incarceration of prisoners for extended periods, without taking their defence, and without confronting them with their accusers. Moreover, as a want of energy and industry cannot be numbered among Mr. Brereton's failings, and as that officer is well versed in criminal law and practice, the Chief Commissioner is constrained to think that this laxity and delay proceeded from the absence of proper care and thought for the men who were lying in prison. Again, Mr. Brereton may urge, and does urge, that the people never complained to him of these malpractices; but the people seeing these things perpetrated by men imported by him, and entrusted with his confidence, must have regarded him as virtually the author of these evils, and despaired of redress from him.* In regard to the system of duresse,

* The tortures inflicted by Futteh Jung at his quarters in Loodiana, were painfully notorious all over the town. A respectable inhabitant told the Commissioner that the people living in the same street with Futteh Jung could not sleep at night for the cries of his victims.

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duresse, applied to large numbers of persons, in default of security for good conduct, Mr. Brereton replies, that it was intended to suppress crime. Such may indeed have been the intention; but he was at least aware that this system was not adopted in other districts similarly situated; and if, notwithstanding this knowledge, he chose to introduce it into his own district, he was bound to see that none but bad characters were seized, and that those who had been arrested were promptly and equitably tried; and this he failed to do. Furthermore, he intimates that he is blamed for measures after they have failed; whereas, if they had been successful, he would have been praised. But it is obvious that had success been attained, and the Coop robbers detected, he could only have received credit for that, on the belief that no improper means had been adopted to secure the result. Lastly, Mr. Brereton pleads "misplaced confidence," in reply to the imputation which cannot but fall upon him, from the grievous misconduct of policemen and informers, whom he carried about with him from district to district, as personal attachés of his own; but he should have reflected, that these men were thereby thrown into temptations which the morals of few or no natives could withstand. He should have been apprehensive of the abuses which would be sure to arise, and which any officer of Indian experience might anticipate. There was no reason whatever for the confidence reposed in these men. The informers had been counterfeit coiners by profession; they might have been useful in the tracking out of gangs of their own class; but to use them in a general capacity as spies upon the population of a district, was unwarrantable.

5. In fine, the Chief Commissioner considers that Mr. Brereton is shown to have introduced a system into Loodiana which was contrary to the dictates of experience, and to the principles of administration, and which he ought to have known would lead to abuses; and that he cannot be absolved from responsibility for the abuses which actually did arise, in an aggravated form. The gravamen is not that he was in any way cognizant of these shocking malpractices; but that he permitted proceedings obviously calculated to produce them, and that he neglected all ordinary precautions against their perpetration. Admitting that he was ignorant of what was going on, the Chief Commissioner must remark, that he certainly took not the slightest pains to keep himself informed, and that not caring to know, he almost shut his eyes to the crimes that were being committed in his name. He has hereby been the virtual though not the intentional cause of many deplorable cruelties and tortures, and much injustice, and has brought disgrace on our administration. The sad details of the torture need not now be dwelt upon; they are sufficiently narrated in the papers. Besides the employment of certain persons also in a most objectionable manner, there were gross irregularities in his own court and gaol, which call for marked censure. Now, if the above circumstances had stood alone, the Chief Commissioner might have recommended that the affair be passed over with a reprimand and a warning, in consideration of Mr. Brereton's services and character for vigorous ability; but the Chief Commissioner is sorry to declare his opinion, that a mere warning cannot be depended upon to prevent any future recurrence of these evils under Mr. Brereton's administration. He seems possessed with a species of infatuation in regard to the use of espionage, the employment of personal attachés, and the application of indiscriminate severity; from this vicious system experience does not seem to deter him, nor advice dissuade. It will be observed from the papers, that some of the very employés now arraigned had attracted some kind of notice in connexion with Mr. Brereton at various periods and places. The late Board had reason to fear that latterly these abuses had even crept into the Thuggee department; of these suspicions Mr. Brereton was made fully aware; indeed a circular* was afterwards issued on the subject. These circumstances, however, seem to have left but a transient impression on Mr. Brereton's mind, and the same men who, as he himself says, have followed him for years, are now figuring in the present report. The Chief Commissioner considers that some mark of the severe displeasure of Government is necessary, which may operate as a stern lesson to M. Brereton, and may serve to keep his judgment straight in these matters for the future. Moreover, the Chief Commissioner would submit, that when great faults are clearly brought home to an officer, some example is called for,

* *See* No. 88, of 1852, page 292, of Board's Printed Judicial Circulars.

for, to vindicate the administration before the people, and to preserve it pure from the like scandal hereafter. In the disposal of this case a point will arise for the decision of Government, as to what allowances Mr. Brereton should draw, from the date on which he was superseded in the charge of the Loodiana district. Punjaub.

6. The Chief Commissioner would further be disposed to suggest, that after what has occurred Mr. Brereton is not suited for employment in the Punjab. That officer needs more supervision than can well be given by any of our Commissioners, whose duties are so numerous. In the older provinces there are judges to supervise and restrain, as well as commissioners. It has been suggested that Mr. Breton should be appointed to some station which forms the head-quarters of a commissionership. But there are many practical difficulties in this course. Such stations usually require the best officers; and there are usually reasons why those districts should continue to be held by their present incumbents. Indeed, with this very view of securing supervision, the Chief Commissioner had contemplated transferring Mr. Brereton from Loodiana to Lahore; but waived this intention in consequence of the Judicial Commissioner urging that this officer's peculiar system would be particularly mischievous at the capital, as calculated to irritate and distress a large city population. If Mr. Brereton should remain in the Punjab, it will be undesirable, after all that has happened, that he should reassume charge of Loodiana.

7. In conclusion, the Chief Commissioner would submit, that no further commission of inquiry will be needed. As already explained, the facts affirmed have not, in any way, been controverted. Moreover, such a commission might cause unnecessary excitement in the district, and would be embarrassing, owing to the difficulty of finding officers to conduct such an inquiry. Of course, the inconvenience would not be urged, were an investigation really necessary; but the necessity is not apparent.

8. I am to add, that due instructions have been issued for the dismissal of Mr. Brereton's myrmidons, and for the disposal of all cases connected with them, and with these affairs, and especially for the condign punishment of Futteh Jung for the crimes of which, after trial, he had been convicted. The Chief Commissioner would suggest that the Commissioner, Cis-Sutlej States, be authorised to propose, at his discretion, compensation for the parties who are shown to have been victims of the torture, and other oppression described in these papers. Some of these persons will also be found to have suffered much loss of crops and cultivation, owing to their having been detained at harvest time.

I have, &c.
(signed) *R. Temple*,
Secretary.

Lahore, 8 February 1855.

(No. 205.)

No. 3610.

LETTER from *G. C. Barnes*, Esq. Commissioner and Superintendent, Cis-Sutlej States, to *R. Montgomery*, Esq., Judicial Commissioner for the Punjab.

Sir, Camp, Philour, 10 November 1854.

I HAVE the honour to acknowledge the receipt of your letter, No. 2946, dated 31st ultimo, forwarding a petition presented to the Chief Commissioner by certain residents of Loodiana, complaining of the conduct of Moosahib Khan, acting tehsildar of Jugraon, and of his brother Futteh Jung Khan Perwanah Nuvees. Judicial.

2. I was at Loodiana when I received your letter, and was able to make immediate investigations on the spot, the result of which will be embodied in this letter.

3. I would beg to premise that before your communication I had visited the gaol, in company with the Deputy Commissioner. I had found all the wards crowded with prisoners, some of whom, for want of accommodation, were placed in tents. I was surrounded by men who complained loudly of the means by which they had been arrested and confined. I had also heard that Mr. Brereton maintained

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maintained informers, some on a fixed salary, who were always with him, and some on special duty, who were only in occasional employ. I heard also numerous complaints against Moosahib Khan and his brother Futteh Jung; and petitions from jemindars of Jugràon, belonging to castes who have not a good name, had been presented to me complaining of the police measures adopted by the acting tehsildar, Moosahib Khan.

4. I was therefore fully prepared to undertake the unpleasant duty of inquiring into the truth of these reports, even before I received your letter; but that despatch at once decided me to commence, and my first act was to send for the accused parties, and to summon those in whose name and behalf the petition addressed to the Chief Commissioner was written.

5. The depositions and defence of both sides are filed in a separate misl, which accompanies this letter. All the documents were written in my presence, without any other suggestion than that they, the deponents, should state unreservedly the whole truth.

6. Deedar Sing and Lukha Sing, in whose names the petition is sent, deny its authorship. But they affirm before me the truth of every word contained therein, as far as they are concerned. They declare that their houses were searched last May, on suspicion of being concerned in the Koop robbery case, but that none of the stolen property was found therein. Nevertheless, all the valuable articles found in their house were carried off to the cutcherry, and still lie there. The property was paraded in the Bazaar, and people were invited to inspect and claim it, if their own. But no man has appeared to identify the property.

7. The search was instituted at the instance of a prisoner in the gaol who had cause of enmity with these sahookars and with the Sirdar of Kuneitch, whose house was simultaneously searched. There appeared to me no sufficient grounds why they were subjected to this indignity, nor any reason why their lawful property has been so long withheld from them.

8. On the same information, the house of Sirdar Chimmun Sing, of Kuneitch, a jageerdar of this district, was searched. On the 29th April last Mr. Brereton commissioned Futteh Jung Khan Perwanah Nuvees, the brother of Moosaheb Khan, to undertake this duty. The Sirdar came into Loodianah, and at my request has furnished a narrative under his own seal of all that occurred.

9. He is a respectable native gentleman, and has always borne a good character. He has the testimony of Lieutenant Lake, then Assistant Agent at Loodianah, that he behaved with great loyalty in the campaign of 1845–46.

10. One evening, late in April last, Futteh Jung Khan came with a posse of sowars and footmen to his residence. The Sirdar was treated with great violence, and shortly after the Deputy Commissioner himself made his appearance and began the search. The floors were all dug up, and according to the Sirdar, his houses at Raepoor were thrown down. All the property found was carried away; he mentions also, that eight respectable zemindars of the village were seized at the same time. They were immediately placed in irons, and made over to Futteh Jung Khan. Three months they were kept in arrest, and subjected to treatment which he "cannot describe."

11. These eight men were also sent for; they are Jâts, and I believe perfectly innocent of this crime; they were severally subjected to torture, and kept in confinement in Futteh Jung's own house, which is in a secluded part of the city. The hair of the head (they are Sikhs) was tied to their leg irons. Wooden pegs were driven into the joints of their elbows and other sensitive parts. Others were merely bound tightly and beaten with fists, so that no marks might remain.

12. I inspected two men, Ram Ditta, and Dittoo; they bear large scars on their elbows and on other parts of their arms. The cicatrix in each wound is recent; and they all solemnly state, that these pegs were forcibly inserted, so as to lacerate the flesh. The man who operated in all these cases was a wretch called Alla Buksh, a servant belonging to Futteh Jung.

13. Ram Ditta and Dittoo were so severely wounded with these pegs that they were sent to the gaol hospital, and were cured there. I annex the civil surgeon's report on their case.

14. Deedar

14. Deedar Sing and Lukha Sing, shroffs, also depose to the cruel treatment to which these men were subjected, and desired me to send for them. I acted on their suggestion, and the result is given above. They also state that these men were confined at Futteh Jung's house in the city.

15. Eventually, although there was nothing whatever against them, except the malicious testimony of a convict, all these men were required to furnish heavy securities of 200 rupees each, and they were not released till these securities were produced.

16. After I had taken these depositions I went to the Hawalut, where I found 57 men under confinement. In one case of robbery of 8,700 rupees at Raepoor, six men and women were under arrest. Some of these were arrested in August last, and some in September last; yet in two instances only had the defence been taken. The other four did not know on what grounds they had been seized. They had not been called upon for their defence, and had been in Hawalut for many weeks.

17. The arrests were made by Futteh Jung on the information of a single "Goindah." Dewa Sing, one of the prisoners, declares he was tortured by Futteh Jung into a partial confession. On his testimony Hurnam Singh, a Jât of the Puttiala territory, near Thaneysur, was seized, and also Roopa, his mother. Hernam declares that he was confined at Futteh Jung's quarters in the city. A tent peg was driven into his anus, and eventually he was sent to hospital; he was never confronted with his accuser, nor was his defence even taken. I found him in the gaol hospital, and he appears a young Jât with a countenance that does not indicate crime. There is no proof against him.

18. His mother, Roopa, states that Futteh Jung and Alla Buksh, and a third man, seized her at her home in Puttiala, and wanted to strip her. They placed her under an August sun, and gave her nothing to drink. Futteh Jung tied a bag of filth over her mouth and nose, and endeavoured to get her to confess. Roopa also declares that her house at Puttiala was dug down in the search for stolen property, none of which was discovered. Money found concealed there belonging to herself was appropriated by Futteh Jung.

19. Boodh Sing, Jât, made a partial confession in this case. He declares it was extorted from him by false representations and torture. His statement is that Kheema, an informer, and Sheik Chund, a burkundaz in disguise, came to his house. She entertained them. A month after Futteh Jung came to his village, placed a guard round his house, dug up the floors and walls, and destroyed it. He himself was absent, but was seized shortly afterwards. Red pepper was stuffed in his nose and a peg driven into his anus. In his agony he was induced to make a false confession. He has been under confinement since 27th July, but no order has been passed in his case. He lent out money to his neighbour, and the list of his debtors was seized by Futteh Jung, who realized and appropriated the money.

20. The two men who confessed partially have had their statements taken down. The other four were cast into prison; they have never seen their accusers, nor have their defences been written. They do not all state that they were tortured; Hernam Sing and Roopa state that torture was employed against them in vain; the other two simply state that they were arrested, the reasons thereof know not.

21. I found two men under arrest on a charge of highway robbery, value 48 rupees; there is no proof whatever against them. The extra assistant recommended their release on the 29th October last, but they are still in custody.

22. There were two persons seized by Ahmed Yar Khan, of the same party as Futteh Jung; their offence is alleged bad livelihood. Ahmud Yar is not a police officer; he holds an unauthorized appointment as "provider of supplies" to troops marching; he seized these two men on 12th October last, a month ago; they are in strict arrest; no proof has appeared against them, and their defence has not been taken.

23. I found also four men arrested since 7th August last, at the instance of an informer called Mootsuddie, on the charge of false coining; there is no proof whatever

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whatever against them, and no defences have been recorded, although these men have been under arrest three months.

24. There are other instances of injudicious arrests and illegal treatment among the persons in the Hawalut, but I have noticed only those cases in which mention was made of Futteh Jung and Ahmud Yar Khan, or in which the circumstances were more flagrant than in others.

25. There were six men in the Hawalut at the city Kotwallee. Some of these have been there several weeks, none less than 20 days, and their defence had not been recorded.

26. While I was visiting the gaol four men complained to me of Futteh Jung and Ahmud Yar Khan, and I took their depositions; they are imprisoned for no specific crime, but for alleged bad livelihood. Two of these men are subjects of foreign states arrested by Futteh Jung; and a third is a resident of Dhurm Kote, Zillah Ferozpoor. Their arrest and confinement in the Loodianah gaol on such charges is unjustifiable.

27. Futteh Jung and Ahmud Yar appear to have had a commission to rove in foreign territory. They were at Maleir Kotta, Puttialah, and Nabha, at different periods from last January till the present time. Futteh Jung is perwanah navees in the Fouzdarry office. Ahmud Yar was specially employed in the Koop robbery case on your recommendation, suggesting that a special party should be deputed to investigate the particulars of this crime. No clue whatever has been obtained, and the establishment sanctioned was discharged on the 30th September last; subsequent arrests made by Ahmud Yar were entirely illegal, as he had no police powers whatever.

28. These are the particulars of the cases represented to the Chief Commissioner, in which these men have been employed. Allowing for some exaggeration, I feel convinced that Futteh Jung Khan has held almost unlimited power, which he has grossly and most cruelly abused. Holding a subordinate appointment in the Fouzdarry office, he has been commissioned by Mr. Brereton to investigate crimes, with permission almost to do what he liked, to go where he pleased, and to arrest any one upon whom his suspicion might fall; he has also been allowed to hold a separate court as it were; prisoners have been kept for weeks at his quarters, and as he was directly interested in eliciting confessions, I most firmly believe that he exercised great oppression for this object, particularly in the instance of the zemindars of Kuneitch; I am convinced that the wounds their bodies show were caused by the torture he applied.

29. During his long sojourns in foreign territory it is reasonable to suppose, as alleged by the victims, that such a man, armed with such power, committed many atrocities and levied much money. The chiefs themselves did not complain; it is not etiquette to mention such matters, and oppression might proceed to almost any length before the Commissioner would hear of it from the chiefs themselves.

30. I have taken Futteh Jung Khan's defence, and with regard to the testimony given by the shroffs, Deedar Sing and Lukha Singh, and Sirdar Chummun Singh of Kuneitch, as well as the evidence of the zemindars and others, supported by the letter of Dr. Piethall, the civil surgeon, I am of opinion that the crime of torturing and maltreating Dittoo and Ram Ditta, Jats of Kuneitch, is fully proved. I would inflict a severe punishment upon this man, and recommend that he be sentenced to four years' imprisonment with labour and irons.

31. Futteh Jung Khan entered the district with Mr. Brereton; he had accompanied him for some years; he is own brother to Moosahib Khan, and is a villain of the deepest dye.

32. Ahmud Yar Khan is one of the same clique, but he is no relation to the other two; there are complaints against him, but he appears to be milder and more humane than Futteh Jung; I have no doubt that he has extorted much money in his long forays into foreign territory; but he was not so active nor so cruel in torture as Futteh Jung; he should simply be dismissed from employ, a light punishment for the numerous crimes he has doubtless committed.

33. There

33. There is a third brother, Kuramut Khan, a mohurrir, in the city Kotwallee; there is nothing against him except that he is one of the faction of which his brothers, Moosahib Khan and Futteh Jung Khan, are at the head; I think his employment in this zillah under Mr. Brereton would not be judicious.

34. The antecedents of Moosahib Khan are as follows:—He was the jemadar of a police-station in Mynpoorie when Mr. Brereton was Assistant in that district to Mr. C. Raikes;* he followed Mr. Brereton to Lahore, and became a thanahdar; when Mr. Brereton went to Jullunder, Moosahib Khan accompanied him; when Mr. Brereton was removed to Umballah, Moosahib Khan went there also; in short, wherever Mr. Brereton has gone, Moosahib Khan has followed him, to Sealkote, to Murree, and finally to Loodianah.

* A. D. 1848.

35. At Lahore, Jullunder and Umballah, complaints were preferred against him. He may be, and is, I believe, a good police officer, but he is cruel and harsh in temper. He has earned credit by the capture of Ichhur Singh, the Wuzeer of Juswan, who escaped from the Jullunder gaol, and he possesses some good testimonials as to his value as a police officer; but all his experience lies in the criminal department; he is not fitted to be a tehsildar, nor indeed to hold employment under Mr. Brereton. Under any other master he would probably render good service as a thanahdar or darogah of a gaol; I would rather see him in the last capacity. I have not confirmed his appointment as tehseeldar, nor do I intend to do so, now that I know his history. The correspondence that has passed in his case is submitted for the information of the Chief Commissioner.

36. There have been many complaints preferred against Moosaheb Khan for the surveillance he has imposed upon certain villages in his jurisdiction, supposed to have a bad name. The means employed to prevent the occurrence of crime are very harsh, and the remedy appears far worse than the evil. A burkundaz is stationed in every suspected village; he is ordered to assemble every man, woman, and child residing therein three times a day. A fourth "parade," as the people call it, is taken about 11 at night; any person found absent from these roll-calls is fined two rupees, ten annas, and on a repetition of the offence, he is fined 25 rupees. Moosaheb Khan admits the truth of this account, and gives as his authority the verbal orders of the Deputy Commissioner. He states that on the second offence, not a fine, but a recognizance of 25 rupees is taken. If so, the first fault is punished more severely than the second, which seems unlikely.

37. These villages are inhabited by a race called Harnees, and one or two by communities of men called Rajpoots. They are the proprietors of mouzahs paying revenue to Government, and as far as I know, bear a terrible character. Many of them are in the service of the Raja of Kupoorthulla, and hold high rank on his establishment.

38. Admitting, however, that the race generally is predatory, I think so indiscriminate and severe a system as that enforced by Mr. Brereton and Moosaheb Khan is quite indefensible; a people might be driven into rebellion by measures like these. Harnees, like other men, have legitimate calls upon their time which oblige them to leave their homes; to interdict them, and to deprive them entirely of their liberty is a measure far exceeding the exigencies of the case. Besides, to place a single burkundaz in that position, with leave to compel the attendance of every soul four times within 24 hours, is to give him a license to bully, extort, and plunder at his discretion.

39. Mr. Brereton is actuated by undoubted zeal; he pursues a system which he thinks will suppress crime, and be formidable only to the worst of mankind. But his judgment is entirely defective. In order to punish and prevent crime, he creates a hundred evils, which in my opinion cause more mischief than the offences he would put down. In his pursuit after the dacoits of the Koop robbery he has seized numerous persons quite innocent of the crime. He has allowed men like Futteh Jung to roam over the Protected States without control; he has alarmed the respectable section of the people by the injudicious and causeless searches he has instituted for stolen property; and lastly, he has been entirely deceived in the character of his agents, who have robbed, and tortured, and bullied guiltless men in his name.

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40. Another phase in Mr. Brereton's system is, his dependence upon spies. To hear Mr. Brereton himself speak on the subject, one is impressed with a belief that he is fully aware of the abuses and evils to which a reliance on such sources will lead. Yet he has three informers constantly about him. I may say they are domesticated in his house; they live in his compound, and act occasionally as private servants. Their names are Mootsuddie, Shurfoo, and Jowahir. Mootsuddie has seized several persons, and many unjustly: he has received rewards, and all three draw fixed salaries from Government. They are souars, and I believe, coiners of false coin; they should be remanded to the Thuggie department, and removed from this district without loss of time. I have heard numerous complaints against these men, and especially against Mootsuddie.

41. I have now finished my report; I have entered into full details, because I think the accusations were serious, and the mischief which has already occurred is deplorable; I have endeavoured to give a complete account, omitting nothing, and I believe exaggerating nothing. The duty has been unpleasant, but I have not shrunk from examining and reporting every objectionable feature of the administration which came to my notice. I have regarded this report as a confidential one, and I have told Mr. Brereton that, if necessary, the Chief Commissioner will call upon him for an explanation.

42. I forgot to mention in the body of the letter, that no less than 80 men have been apprehended since the commencement of the year on the charge of "budmashee." Of these, 30 have given in their sureties, and have been allowed to return to their houses, but 50 men still remain in gaol on this charge: I am engaged in looking over the records of their cases. In many instances I have found that the accused have been thrown into gaol on the bare report of the thannahdar. There is no proof whatever against them, and yet they have been imprisoned in default of heavy security, far beyond their means, for one year. They are all in irons, although the law as construed by the Sudr Nizamut expressly forbids this aggravation of their punishment.

43. In the neighbouring zillah of Ferozpoor, with the same aggregate of prisoners, and within the same time, viz., 1st January to 31st October, with much the same population and the same amount of crime, the district officer has arrested only five men; and yet in Loodianah 80 men have been seized.

44. This fact alone indicates the indiscriminate severity with which Mr. Brereton employs the means at his disposal for the criminal administration of his district.

I have, &c.

(signed) *G. C. Barnes*,
Commissioner and Superintendent,
Cis-Sutlej States.

Moosabel Khan, Futteh Jung, and Ahmed Yar, have been removed by me from employ; pending the orders of superior authority, I have directed them to attend my camp.

(signed) *G. C. Barnes*,
Commissioner.

MINUTE by the Most Noble the Governor-General.

Case of Mr. Brereton, Deputy Commissioner.

1 I HAVE read the whole of these voluminous papers, with the attention which is specially called for when the official character and prospects of a public officer, as well as the interests of a considerable portion of the public, are involved.

2. The facts are very fully and correctly stated in the Secretary's note. They need not be again recited in this minute.

3. The Chief Commissioner thus states the nature of the misconduct with which Mr. Brereton has been charged. The Report of the Commissioner, he says, has shown "that certain native employés, not holding regular offices, had been

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been commissioned, without written orders or directions, or formal responsibility, or any check whatever, to prefer charges, to procure evidence, to make arrests, to search houses, to seize property, to retain persons for long periods in close custody; in short, to hold a separate criminal court, and to exercise magisterial power, while ranging through both the Loodhianah district, and the neighbouring native states; it showed that these men abused their irregular trust in each and all of the proceedings above enumerated, and that in many cases they inflicted cruel torture; it showed that in matters under the immediate cognizance or direction of the Deputy Commissioner himself, that houses of wealthy citizens had been causelessly searched; that property seized on such occasions, though neither claimed nor identified, was detained for lengthened periods; that many parties were thrown into prison, and lay there for weeks, without charges being exhibited against them, and without their defence being taken; and that the laws relating to security for bad character had been applied with sweeping and undiscriminating severity; lastly, it showed that the Deputy Commissioner had been followed about from district to district by certain police officers and informers, whom he employed wherever he went, and that these men had been the main authors of the recent mischief."

4. The Chief Commissioner and all the local authorities consider that these charges have been completely proved. Mr. Brereton himself does not dispute the accuracy of the main facts which have been alleged against him. But he has made a very full statement and explanation in defence of his conduct.

5. I am bound to say that his statement, while it affords a full explanation of his conduct, has neither justified nor extenuated it in my eyes.

6. The Chief Commissioner submits, that "when great faults are clearly brought home to an officer, some example is called for to vindicate the administration before the people, and to preserve it pure from the like scandal hereafter." Para. 6.

I think these views are well founded; and I am compelled to pronounce, with pain, that I think a severe example ought to be made in the case of Mr. Brereton.

7. The Chief Commissioner has suggested no specific measure; but he casually hints that he wishes that Mr. Brereton should no longer be employed in the Punjab.

I cannot accede to this wish. The faults and irregularities of Mr. Brereton have no peculiar heinousness in the Punjab. They would be open to the same degree of objection if committed anywhere else in the Indian territories. If Mr. Brereton is unfit to be employed in the Punjab, he is equally unfit to be employed in the North-West Provinces. I should object to his being sent back to those provinces. I do not consider it fit that the rest of the Presidency of Bengal should be used as a preserve whence very many of the best men have been drafted to the Punjab, and that it should be made use of also as a penal district, to which every offending officer in the Punjab should be immediately transferred.

8. It is necessary, therefore, to consider what measure should be adopted in this case.

On the one hand, Mr. Brereton's superiors testify that he is an active and zealous magistrate; that his services in the Thuggee department in the Punjab have been valuable, and that his motives have been good.

On the other hand we have irrefragable proof,—proof, indeed, undisputed by Mr. Brereton himself,—that that officer has been guilty of each item in the heavy catalogue of irregularities and illegalities with which the Chief Commissioner has charged him, and which have brought disgrace on one portion of the British administration, and have subjected a large number of British subjects to gross injustice, to arbitrary imprisonment, and cruel torture.

9. I am most ready to set off Mr. Brereton's services against his faults. But I feel that reprimand and warning would be all too light for such grave faults as have been proved against him, even if we were not told by the Chief Commissioner that warning had already been tried in vain. Para. 15.

10. I am of opinion that the Government of India, consistently with a due regard to its own character, and to the protection which it owes to those who are

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placed under its charge, cannot consent to leave in Mr. Brereton's hands the power which he has so grievously abused. I am of opinion that Mr. Brereton cannot, for the present, be fitly entrusted with the authority of a Deputy Commissioner; that he ought to be removed from that grade to the grade of a first-class Assistant; and that he ought not to be restored to the grade of a Deputy Commissioner, or to any corresponding authority, until his conduct shall have satisfied his superiors that he better appreciates the responsibilities of a British officer in this country, and can better use the civil powers with which he has heretofore been entrusted.

I think Mr. Brereton should in no case be employed again in the district of Loodiana.

I think that, as the result of the inquiry regarding him has been unfavourable, he should have no higher allowances during his suspension than any other officer suspended from office.

I think, too, that Mr. Brereton should be warned that any future complaints of similar misconduct on his part, if they shall be proved against him, will subject him to entire suspension, and to a submission of his case to the Honourable Court of Directors.

11. Compensation may with propriety be given by the Government to those who were subjected to torture. I do not think it can be extended further.

12. The man, Futteh Jung Khan, should be sentenced to the severest punishment which the law will warrant in his case.

13. I wish that these views of mine should be transmitted for the consideration of the President in Council, by whom the case will, no doubt, be finally disposed of.

(signed) *Dalhousie.*

2 April 1855.

Judicial Department, 13 May (No. 22) 1856.

Our Governor-General of India in Council.

Mr. Henry Brereton's removal from the office of Deputy Commissioner of Loodiana.

PARA. 1. IN your letter in the Foreign Department, dated 22d December (No. 67) 1855, paras. 45 to 59, you have explained the circumstances under which Mr. Henry Brereton has been removed from the situation of Deputy Commissioner of the Loodiana district of the Cis-Sutlej States.

2. This painful case was fully reported by the Chief Commissioner, and still more so by Mr. Barnes, the local Commissioner, and their reports were accompanied by the defence which Mr. Brereton had submitted. The whole papers were referred by you to the Governor-general at Ootacamund, and the minute recorded by his Lordship was embodied in your decision communicated to the Chief Commissioner.

3. The following is extracted from Lord Dalhousie's Minute: "The Chief Commissioner thus states the nature of the misconduct with which Mr. Brereton has been charged. The report of the Commissioner, he says, has shown, 'that certain native employés, not holding regular offices, had been commissioned, without written orders or direction, or formal responsibility, or any check whatever, to prefer charges, to procure evidence, to make arrests, to search houses, to seize property, to retain persons for long periods in close custody; in short to hold a separate criminal court, and to exercise magisterial power, while ranging through both the Loodiana district and the neighbouring native states. It showed that these men abused their irregular trust in each and all of the proceedings above enumerated, and that in many cases they inflicted cruel torture; it showed, that in matters under the immediate cognizance or direction of the Deputy Commissioner himself, that houses of wealthy citizens had been causelessly searched, that property seized on such occasions, though neither claimed nor identified, was detained for lengthened periods; that many parties were thrown into prison, and lay there for weeks, without charges being exhibited against them, and without their defence being taken; and that the laws

laws relating to security for bad character had been applied with sweeping and undiscriminating severity; lastly, it showed that the Deputy Commissioner had been followed about from district to district by certain police officers and informers, whom he employed, wherever he went, and that these men had been the main authors of the recent mischief.'

"The Chief Commissioner and all the local authorities consider that these charges have been completely proved. Mr. Brereton himself does not dispute the accuracy of the main facts which have been alleged against him. But he has made a very full statement and explanation in defence of his conduct.

"I am bound to say that his statement, while it affords a full explanation of his conduct, has neither justified nor extenuated it in my eyes."

4. We entirely coincide in that opinion, and we approve of the decision adopted by you on the recommendation of the Governor-general. Mr. Brereton has accordingly been removed from the situation of Deputy Commissioner to that of an Assistant, and is not to be promoted until his superiors are satisfied of his being fit to be entrusted with higher authority.

5. We have hesitated whether official misconduct so glaring, and the cause of so much injury and suffering, ought to be visited with a punishment less severe than dismissal from the public service.

6. Mr. Brereton's superiors acquit him of any knowledge of the cruelties which were inflicted by the worthless agents whom he employed. We observe his assurance, "So utterly was I in ignorance of the truth, that, even to the last, I could not realize the fact that any atrocities had been committed. When the veil was once lifted from my eyes, I perceived at once the whole occurrence, and need hardly observe the distress of mind and horror which I have suffered at the bare thought of being, however unconsciously, the cause of misery to others." And again, "Cruelty and abuse of power are utterly abhorrent to my nature and principles as a Christian gentleman, and the severest pang of all is, the thought that, by any error of judgment, injustice and misery have been brought on others. Your own heart will confirm this, and bear me witness that my motives have throughout been those of zealous duty. The deep contrition that I feel for errors and irregularities and their consequences is almost a sufficient guarantee that, if my life is spared, such mistakes shall not occur again."

7. However much, therefore, Mr. Brereton is to be condemned for acts in excess and in abuse of legal authority, both on his own part and on that of the unprincipled agents in whom he placed a blind and unlimited confidence, we are nevertheless persuaded that he fully participates in the abhorrence with which acts of wilful cruelty and oppression are regarded by the European officers of Government in India. Under this impression, we are induced to refrain from carrying the punishment of Mr. Brereton's misconduct further than you have done. We desire, however, that you will inform Mr. Brereton that any similar misconduct will result in his immediate dismissal from the public service.

8. We are under the necessity of drawing attention to a point of importance which has escaped your notice. A note, appended by Mr. Barnes, the Commissioner, to the 22d paragraph of Mr. Brereton's defence, is thus expressed: "These two men,* who were so severely maltreated by Futteh Jung as to render medical aid necessary for their recovery, were sent not to the gaol hospital, but to a secluded room in a corner of the gaol. They were under treatment from the 6th May till the 4th and 16th July, two months. They were sent without orders, admitted and released not only without orders, but without the knowledge of Mr. Brereton, as stated by himself." These facts are certified by Mr. Pielhall, the civil surgeon, and Mr. Barnes saw the two men, with large scars, the effect of recent wounds. Yet Mr. Brereton asserts that, though these men were attended by the civil surgeon and the native doctor, he had never heard a word on the subject. We presume that the medical officer must have inquired of his patients by what means their wounds were incurred, and must have been able to judge whether they had been inflicted by means of torture. If he arrived at that conclusion, we are wholly unable to acquit him of a most culpable failure in his duty, for not having instantly brought the fact to the Deputy Commissioner's

* By name Ram Ditta and Dittoo.

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sioner's notice. We desire that there may be a formal inquiry into the conduct of both the native doctor and the civil surgeon, and likewise of those persons who were responsible for the prisoners being placed in a private room instead of the ordinary gaol hospital.

9. We shall expect to hear from you what punishment was inflicted upon Futteh Jung.

We are, &c.
(signed) *W. H. Sykes,*
R. D. Mangles,
London, 13 May 1856. &c. &c.

(No. 3 of 1857).

Fort William, Foreign Department, 8 January 1857.

To the Honourable the Court of Directors of the East India Company.

Honourable Sirs,

With reference to your Honourable Court's despatch in the Judicial Department, dated 13th May, No. 22 of 1856, respecting Mr. Brereton's removal from the office of Deputy Commissioner of the Loodiana district of the Cis-Sutlej states, we have the honour to transmit copies of the correspondence with the Chief Commissioner of the Punjab, noted on the margin,* and to submit our opinion that the explanations furnished are sufficient, and that nothing more need be done in the matter.

We have, &c.
(signed) *Canning.*
J. Dorin.
J. Low.
J. P. Grant.
Fort William, 8 January 1857. *B. Peacock.*

No. 463.

(No. 633.)

Letter from *R. Temple*, Esq., Secretary to the Chief Commissioner for the Punjab, to *G. F. Edmonstone*, Esq., Secretary to the Government of India, Foreign Department, Fort William.

Sir,

Judicial.

In reference to the concluding portion of the despatch of the Honourable Court of Directors, regarding the case of Mr. H. Brereton at Loodianah, I am directed to forward extract para. 1 of a letter, No. 66 of the 20th April 1855, from the Commissioner Cis-Sutlej States to the address of the Judicial Commissioner, from which it will be observed that Futteh Jung has been sentenced to imprisonment for eight years, with labour and in irons. One of the subordinate agents of Futteh Jung, viz., Allah Buksh, eluded arrest, and has not been yet seized; against another, named Ahmud Yar, no direct participation in torture or extortion was proved; and Kinamut Allee and Moosahib Khan have been declared ineligible for further service.

2. The inquiry directed in the 8th paragraph of the Honourable Court's despatch has been directed to be made by the Cis-Sutlej Commissioner, and the result thereof will be communicated to you hereafter.

I have, &c.
(signed) *R. Temple,*
Lahore, 4 September 1856. Secretary to the Chief Commissioner.

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* To Chief Commissioner, dated 1 August 1856; from Chief Commissioner, dated 4 September 1856; from Chief Commissioner, dated 17 November 1856.

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(No. 300.)

No. 4767.

LETTER from *G. Campbell*, Esq., Officiating Commissioner and Superintendent, Cis-Sutlej States, to Captain *H. R. James*, Officiating Secretary to the Chief Commissioner for the Punjab.

Sir, Camp Umballa, 8 November 1856.

Judicial.

WITH reference to your letter No. 462, of 4th September, and enclosed copy of orders of the Court of Directors, directing inquiry in a case which occurred at Loodiana in the time of Mr. H. Brereton, late Deputy Commissioner, I have the honour to annex a copy of a report of inquiry made by the officiating Deputy Commissioner under my instructions, and to state, that as Mr. Thompson seems to have well and sufficiently inquired into the matter as far as is now possible, I do not delay to report the result.

2. The pith of the civil surgeon's explanation lies on the simple fact that he had been barely two months in India, and did not understand the language; and as I believe that no linguistic qualifications are required of medical officers on their first appointment, I think that Dr. Piethall may well be exonerated from blame. It will be observed, that he says that he saw and attempted to question the men, but did not discover the cause of their wounds, and consequently did not communicate it to the Deputy Commissioner.

3. The explanations of the gaol darogha and native doctor are much less satisfactory. They admit that they knew the men to be irregularly confined, and the native doctor attended them; and though they deny all knowledge of the cause of the wounds, it is very difficult to believe they were altogether free from any knowledge or suspicion of the truth. Considering, however, the subordinate position of these officials, the time that has elapsed, and the peculiar circumstances of the case, the men having been confined by the direction of a person supposed to enjoy the confidence of the district officer, I do not think that it would be desirable at this time to visit upon them the punishment of concealment of this case, though they may, with advantage, be warned of the personal responsibility which will be attached to them if they in future fail in their strict duty. The case of the gaol darogha may be separately dealt with as regards his general inefficiency. The native doctor is an old, and, in most respects, a very efficient servant, whose general services we could exceedingly ill spare.

I have, &c.

(signed) *G. Campbell*,

Off^g Comm^r and Superintendent, Cis-Sutlej States.

EXTRACT Judicial Letter to India.

Foreign letter, dated 8th January (No. 3) 1857. (1.) Reply to Court's despatch, dated 13th May (No. 22) 1856, respecting Mr. H. Brereton's removal from the office of Deputy Commissioner of the Loodianah District of the Cis-Sutlej States. The explanations furnished considered sufficient.

66. IN our despatch, dated 13th May (No. 22) 1856, we directed "a formal inquiry into the conduct of both the native doctor and the civil surgeon, and likewise of those persons who were responsible for the prisoners being placed in a private room, instead of the ordinary gaol hospital." We further inquired what punishment had been inflicted upon Futteh Jung, the person chiefly implicated in the case of torture, brought to our notice in the papers to which our above-mentioned despatch was a reply.

67. We are now informed that the civil surgeon, who had recently arrived in the country, and did not know the language, was unable to converse with the men who had been tortured, and that the native doctor and gaol darogha could not ascertain from them the cause of their wounds. The Chief Commissioner of the Punjab "is of opinion that these two officers only acted as almost all others would have done in their position, and he would certainly deprecate their being now punished;" and you add the expression of your own opinion, that the explanations furnished are sufficient, and that nothing more need be done in the matter.

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68. Under the explanations now submitted, it appears that the faults and failures to which we previously adverted are to be attributed less to individuals than to a system which admits of the appointment to the charge of a gaol hospital of a medical man who is unable to converse with his patients. We desired that this subject may receive your attention.

69. We are glad to find that the delinquent Futteh Jung has been sentenced to eight years' imprisonment, with labour in irons.

70. We conclude that the case of the gaol dorogah, who is reported as generally unfit for the post he holds, has been separately disposed of.

Fort St. George.

FORT ST. GEORGE.

— No. 1. —

Correspondence relative to the Amendment of the Law regarding Abuse of Authority by Public Servants.

Extract Public Letter from Fort St. George, dated 29 December (No. 43) 1855.

7. A copy of this despatch has been furnished to each of the late Commissioners appointed for investigating the alleged resort to torture in revenue and police cases.*

8. With reference to paras. 9 and 10, we transmit copy of the letter from the Advocate-general, dated the 21st September 1855, and beg to inform your Honourable Court that, under the considerations submitted by that officer and by the Government pleader, we have acquiesced in their suggestion that the preparation of a draft Act of the tenor referred to, should for the present be suspended. We may add, that the state of the existing law for punishing malversation on the part of revenue servants is one of the subjects that are now occupying the attention of Mr. H. Stokes.

In Jud. Cons. 14 November 1855.

9. In advertence to paras. 11, 12, and 13, your Honourable Court will have been informed, by our despatch in the Revenue Department, dated 25th September, No. 42, of 1855, and by the despatch in the Judicial Department, 20th October, No. 32, of 1855, that applications have been made, under dates 13th and 14th August 1855, to the supreme Government in respect to the large employment in the Madras Presidency of uncovenanted agency, and the improvement of the Police Department.

10. We beg to refer your Honourable Court on the subject of p. 14 to the instructions† issued by us for the reduction of excessive assessment throughout the Presidency generally; as also to the special measures which have been and are being carried out in the districts of North and South Arcot, the dry lands of Trichinopoly, and the well lands of Coimbatore.

11. A copy of para. 15 had been furnished to the Court of Foujdaree Udalut, and to the Government pleader; and they have been requested to give their opinion upon the change in the law suggested by your Honourable Court.

12. The Court of Foujdarry Udalut have been furnished with a copy of para. 16, for communication to all judicial officers and magistrates, who are to be required to report to them, for the purpose of being submitted to us, all cases from time to time occurring of the nature alluded to by your Honourable Court.

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* Letter dated 12th September, No. 44, of 1855; Court's observations in the Report of the Commissioners appointed to investigate alleged cases of torture in revenue and police cases.

† Extracts Mins. Cons., 10th July 1854; Extracts Mins. Cons, 23d April 1855 (*vide* printed selections forwarded with letter to the Secretary, East India House, 20th July 1855); Extracts Mins. Cons., 26th June and 8th August 1854, reported in Revenue Despatch, 17th October, No. 55, of 1854; Extracts Mins. Cons., 6th October 1854, reported in Revenue Despatch, 23d March, No. 14, of 1855, p. 13; Extracts Mins. Cons., 9th November 1855.

Fort St. George.

Judicial Department, 10 September (No. 14) 1856.

Our Governor in Council at Fort St. George.

1. We proceed to reply to the paragraphs noted in the margin.*

Reply to Public Letter, 29th Dec. (No. 43) 1855, paras. 7 to 12.

2. In para. 8 you inform us that, under the considerations submitted by the Advocate-general and by the Government pleader, you have acquiesced in their suggestion that the preparation of a draft Act for the amendment of the law regarding the abuse of authority by public servants should for the present be suspended.

Amendment of the law regarding abuse of authority by public servants.

3. The considerations urged by the Advocate-general are twofold; 1st, as they relate to the agency by which any new legislative measure must be worked; and, 2dly, to the subject-matter of such measure.

4. Under the first head the Advocate-general observes, that the Mofussil police are "both revenue and criminal police," and that, in order to inspire confidence among the people, it is necessary that any Act on the subject that might be passed by the legislature should be worked, and especially first set in motion, by persons other than members of the very class whom it would be the design of the Act to restrain and punish. He thinks that to compel complainants against native revenue officers to lay their complaints before a "revenue magistrate," is not the course most likely to inspire confidence, and he shows that, for the reasons stated in the fourth paragraph of his letter of the 21st September 1855, it would be impracticable to commit the working of the Act to the courts of the subordinate Judges and principal Sudder Ameens.

5. Under the second head, the Advocate-general states that the draft Act prepared by him, except as to more fulness of detail, greater severity of punishment, and provision for false and malicious accusations, is very little in advance of Regulation III. of 1819, which is a regulation to provide more effectually for the punishment of extortion, oppression, or other abuse of authority, on the part of native officers of police, and he suggests whether the subject of the proposed Act is not peculiarly one that should be embodied in the forthcoming new penal code.

6. We cannot concur with you that, for the reasons stated by the Advocate-general, the preparation of a draft Act of the tenor referred to should be suspended.

7. We are aware that great changes are required in the entire system of revenue and police administration in your Presidency; but we are not prepared to concede the position that nothing is to be done in the way of legislation to put a stop to the abuses and cruelties which have been brought to light until measures which must necessarily take a considerable time to organize and arrange, shall be carried into effect.

8. To admit to its full extent the cogency of the considerations urged by the Advocate-general, in their bearing upon the existing agency employed in the administration of criminal justice in the Madras Presidency, is to admit that to whatever length the abuse of authority by public servants may be carried, redress is all but hopeless, and prevention all but impossible. We fully recognize the extreme difficulty of working with efficiency any new law of the nature adverted to by means of the members of the body whom it is intended to restrain and punish, and we think, with the Advocate-general, that it would be inconsistent with the constitution and procedure of the courts of the subordinate Judges and principal Sudder Ameens to commit to them the investigation of the cases contemplated by the proposed law. But we fear that the people entertain the opinion that the Government is not thoroughly in earnest in its determination to put a stop to the abuse of authority by its native servants. We believe, however, that

* Public letter, 29th December (No. 43) 1855 (para. 7 to 12); correspondence relative to the amendment of the law regarding abuse of authority by public servants.

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that where the character of the magistrate and collector is such as it ought to be, those who have been subjected to maltreatment will feel confidence of redress and protection, from their intimate knowledge that the officer to whom they complain is thoroughly conversant with all their relations to the native officers by whom they have been injured. We believe also that the people, if assured of being able to obtain a hearing from the European officer, and of his protection against the vengeance of the party complained of, will act upon their convictions. "All that the people at large seem to desire," say the Commissioners for the investigation of alleged cases of torture, "is, that the Europeans in their respective districts should themselves take up and investigate complaints brought before them: the distances which the natives will often travel at great personal loss and inconvenience to make complaints, even of a very petty nature, to the collector or sub-collector, is of itself a proof of the confidence which they place generally in those officers." The submission of the natives to the maltreatment to which they have been subjected, is to be accounted for by other causes besides want of confidence in the European magistrate, because he is also the collector; or in the collector, because he is also the magistrate. If the measures adopted be such as to afford them encouragement and protection in making known their grievances, the suppression of those grievances will to some extent have been effected; but for this end, legislative measures alone will not be sufficient. The English authorities must meet the complaints of the people half way, must be accessible at all times to such complaints, and must be jealously on their guard against any combination among their native officers to make common cause in extortion, or to shield those who have been guilty of acts of oppression or cruelty.

9. If, as we have a right to expect, such a course be steadily pursued, the fact of the magistrate being also the collector of the district need not stand in the way of immediate legislation upon this important subject.

10. With regard to the suggestion of the Advocate-general, that the subject of the proposed Act is peculiarly one that should be embodied in the forthcoming new penal code, we have to observe, that the penal code is in the hands of the Legislative Council of India, not in those of the Indian Law Commissioners. We think it probable that some of its provisions will meet cases of abuse of authority by public servants; but on this point it will be expedient that you put yourselves in communication with the Legislative Council.

11. We do not think, however, that the insertion of a clause in the penal code, defining the offence, and prescribing the penalty, is sufficient to meet the exigency of the case. It is not enough that the law on this point merely forms part of a general code; the evil is special and peculiar, the remedy must be the same, and the measures to be adopted must be pointed directly at the abuses which they are intended to repress.

12. A Commission was appointed to investigate the alleged use of torture in your Presidency; an Act was passed specially to facilitate its inquiries; its report shows the existence of such torture to an extent of which we were not aware, and which we deeply lament, and it is essential, in order to impress our native subjects with the conviction of our determination to put a stop to the abuses committed by our native officers, to take immediate and earnest steps for the repression of such practices. It is true that the court of the magistrate is now open to receive complaints, and that a Regulation (III. of 1819) is part of the statute law of your Presidency. The terms, however, employed in that Regulation, in describing the offences made punishable by it, do not convey the idea of such aggravated offences as those mentioned in the report of the Commission; its provisions are limited to offences committed by native officers of police; the small amount of punishment which it prescribes has no doubt led to the infliction of sentences often very inadequate to the offence, and the powers of summary trial and punishment conferred by it on the magistrate are much too restricted, and have been too often neglected.

13. On these grounds, therefore, as well as on those above specified, we are of opinion that there is a call for immediate legislation in the direction we have indicated; that in any Act that may be passed no attempt should be made to mitigate the character of the offence to be punished, or to qualify the terms in which

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which it is described, and that the magistrate's powers of punishment should be so extended as to admit of his dealing summarily and effectually with all cases, except those which, from circumstances of aggravation, call for the intervention of a superior court. We believe that a new Act, although in reality not perhaps differing much from an old one, is yet likely to be carried out with much greater accuracy and effect. We cannot help repeating that this question has not till lately received from the authorities the consideration which it deserved, and we now insist upon their most earnest attention to the suppression of this crime, by the most effective means of punishment, until we can sufficiently consider a plan for an improvement of the administration which may effectually prevent its commission.

14. We therefore desire that you will again take the subject into your immediate consideration, with reference to the foregoing observations. We do not by any means intend to confine your exertions for the attainment of the object in view to such an Act as that now proposed; but, without diverting your mind from the question of separation of Police and Revenue, we intend you to show your determination to eradicate the evil, and to convince all persons in employment under you that such is your determination.

15. The remaining paragraphs do not appear to call for any remark at present.

We are, &c.

(signed) *W. H. Sykes.*
R. D. Mangles.

London, 10 September 1856. &c. &c.

(No. 27.—Public Department.)

To the Honourable the Court of Directors of the East India Company.

Honourable Sirs,

With reference to the papers noted in the margin,* we do ourselves the honour to forward to your Honourable Court the accompanying copies of Minutes† that have been recorded by our President and by the Honourable Mr. Walter Elliot, respectively.

2. With reference to the concluding para. of our President's Minute, we have further to state, for the information of your Honourable Court, that we have directed our solicitor, in the absence of our Advocate-general, to prepare, for submission to the Legislative Council of India, the draft of an Act for the punishment of abuse of authority on the part of public servants in the police or revenue departments.

We have, &c.

(signed) *Harris.*
Walter Elliot.

Fort St. George, 11 September 1856.

Minute by the Right Honourable the Governor.

I beg to call the attention of Government to the following extract from the report of his speech on the Indian Budget, delivered in the House of Commons by Mr. Vernon Smith, on the 21st of July last.

It has reference to the subject of torture. "His (Lord Harris's) opinion was, that

* Despatch, Public Department, No. 44, of 1855, 12th September, p. 9; to Honourable Court of Directors, 29th December 1855, p. 8; Despatch to Supreme Government, Legislative Department, No. 12, of 1855, 21st November.

† 4th and 7th September 1856; E. M. Cons., 9th September 1856, No. 1085; to the Secretary to the Government of India, 9th September 1856, No. 1086; from the magistrate of Malabar, 17th July 1855, No. 540; order thereon, 1st August 1855, No. 516; from the magistrate of Bellary, 21st August 1856, No. 1236.

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that it to a great extent resulted from the high rate of assessments, and that a re-adjustment of assessment would get rid of it. That, however, must be a slow operation; but in the meantime Lord H. had set a careful watch upon this system, and was prepared to punish with the severest penalties (for there had undoubtedly been a want of severity in the penalties hitherto inflicted), and with dismissal from the service, of any person who was convicted of the infliction of torture."

"The Court of Directors, among other instructions, sent out an order that an Act should be passed for the enforcement of severe penalties for this offence. The law advisers thought that such an Act would be useless, and that the only way to suppress this evil was to separate the revenue from the police system. * * *

"He (Mr. Vernon Smith) could not help thinking that Lord Harris had not done right in omitting to pass the Act to which he had referred. * * * He could not help thinking that when Lord H. considered the matter, he would see that if no new Act were passed, the opinion would prevail, that as hitherto no notice had been taken of this system, so no attention was intended to be paid to it in future."

I assume that this report of Mr. Vernon Smith's speech is generally correct; at all events it is evident that it has gone forth to the world that the Court of Directors sent out an order that an Act should be passed for the enforcement of severe penalties for this offence, and that this Government has failed to fulfil those instructions.

I need hardly point out that this Government possesses no power to pass any Act whatever, but can only have one prepared to be sent up to the Legislative Council in Calcutta.

But I have to remark, that no instructions have been received from the Honourable Court to pass an Act of the description mentioned.

So far as I can discover, by reference to the public documents, what has occurred with respect to this subject is as follows:

1. The Commissioners for inquiring into the alleged use of torture in the Madras Presidency, sent in their report on the 16th of April 1855.

In para. 76 they say, "We could not but have our attention pointedly drawn to the state of the law under which such a condition of circumstances as that which the present investigation brings to light could continue to exist; and on this point it will be sufficient for us to state that it appears to us both circuitous in its procedure, and deficient in its provisions, for the prevention and punishment of personal violence illegally administered by an abuse of authority. We have collected the main provisions of the law on this subject, and we deem that we have sufficiently discharged our duty in drawing the attention of Government to its state as it stands, leaving such amendment or alteration, as may be thought expedient, to the better consideration of the Right honourable the Governor in Council."

2. This Government passed orders on this report on the 7th of June 1855, and the following paragraph, No. 21, shows their views on this subject:

"With regard to the remaining cause noticed by the Commissioners impeding the due suppression of Acts of extortion and oppression, viz., the vague and defective state of the law for the punishment of abuse of authority on the part of public servants entrusted with it, and its dilatory and circuitous action, the Right honourable the Governor in Council resolves to request the Advocate-general and the Government pleader to confer upon the subject, and to submit the draft of the Act which they would propose in amendment of the present law, to be applicable to all cases of abuse of authority committed by public servants, or parties assuming to act as such, and either in the police or in the revenue department."

3. On the 21st of September a letter was received by the Chief Secretary from the Advocate-general, in which he stated (to express his views shortly) that he and the Government pleader had in consultation found that grave difficulties existed as to the probability of drafting any Act which could be effective under present circumstances.

4. On the 14th of November the Government resolved, "That the Advocate-general and Government pleader should not for the present proceed further with the

the task of drafting a bill in amendment of the existing law regarding the abuse of authority of public servants."

5. On the 15th February 1856 this Government received a despatch from the Government of India, requesting "that, with reference to the 8th para. of the despatch from the Right honourable the Governor in Council to the Honourable Court, No. 43, dated 27th ultimo, the circumstances under which the preparation of the draft Act, to prevent abuse of authority committed by public servants, either in the Revenue or Police Department, has been suspended, may be reported for the information of the Government of India," and also inquiring whether "the Right honourable the Governor in Council proposes to resume the consideration of the subject at any early or definite period."

6. To this an answer was given, dated 8th March last, to the effect that looking to the difficulties represented by the Advocate-general and the Government pleader, this Government was induced to postpone legislation until the revision of the revenue code should be completed, and until they were apprised of the sentiments of the Government of India with respect to the measures referred to them under dates the 13th and 14th of August last (1855) for the reform of the police, and for the introduction of uncovenanted agency.

7. Nothing further has transpired on this subject. It is apparent, I think, then, from this statement of facts, that this Government received no instructions to enact a law on this particular subject, but that the initiative was taken of its own free will, and that proceedings were stayed for a time solely with the expectation of being able at an early period to propose a thoroughly efficient law, instead of an incomplete one, which would give scarcely more power to Government than is at present possessed.

I should remark, that the Honourable Court, in their despatch of the 12th September 1855, on the subject of the Torture Commission, approved of the course which this Government had been reported to have adopted, viz., to have called on the Advocate-general for a draft Act; but this approval was not supposed, and does not in its terms in any way bar the discretionary judgment of this Government.

I do not wish to lay any great stress on the fact of not having received instructions; but still I think that it is only right and fair to this Government (for though I alone am individually alluded to in the report of Mr. Vernon Smith's speech, yet it is the action of this Government which is in question), that the circumstances should thus fully be narrated, because there is a wide difference between the position of a Government acting unreservedly on its own judgment, and that of its being limited by instructions from superior authority.

Under the circumstances in which this Government was placed in November last, when it decided on postponing the consideration of the proposed Act, I thought, and I am still of opinion, that it came to a sound judgment:

1st. Because it appears to me that additional legislation is inexpedient where power already exists when such legislation cannot be fully effective, and more especially when there are good grounds for supposing that a law more complete in all its bearings may in a short time be enacted.

Mr. Vernon Smith appears to think that the Regulations of 1816 and 1819 are in abeyance, and concludes that it would be more advisable to pass a new Act than to revive the old ones: he is reported to have said—

"It was true that by Regulations adopted so late as the years 1816 and 1819, very heavy penalties were imposed for acts of torture; but it was clear that these Regulations had never been enforced, and he thought that the passing of a new Act would have more effect than the renewal of the old ones."

There would appear to be some misconception respecting the Regulations in question, No. 11 of 1816, and No. 3 of 1819. They are not only not in abeyance, but in full operation, and constantly acted on. Indeed, it is only necessary to refer to Appendix (H.) of the Report of the Commissioners on the Torture Inquiry to show that this is the case.

A return is attached, showing the number of cases which have been tried under these Regulations, or in which, under other Acts, such as Act VIII. of 1843, the courts have entertained charges for abuse of authority, including the commission of torture for the years 1854, 1855, and the first seven months of 1856.

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The existing system of police throughout the Madras Presidency was established by Regulation XI. of 1816, and it is in constant, it may be said in hourly operation.

2d. Because it was hoped that this Government would before this have been in a position to have drafted an efficient law on the subject. The revision of the revenue code is nearly complete, and favourable replies were anticipated, perhaps in too sanguine a mood, respecting the measures of police and the magistracy, which are alluded to in the letter to the Government of India of the 8th March last.

3d. Because it did appear to me most important, in a matter of such grave moment, that the action of Government should be simultaneous on all the points involved.

For, be it well remembered, that it was not only the prevention of a cruel practice which was under consideration, but the collection of the public revenue was concerned, and the tone and bearing of Government towards its native servants in a difficult crisis was involved.

It was right and proper, when the charges of the employment of torture were proclaimed, to institute a free and full investigation ; I hold that it was the only safe course to pursue. But when the practices were exposed, and the remedies had to be sought, I hold that it was also the only safe course to go to the root of the disease, and to apply the proper remedies, if discovered, at once.

Now, what are the facts? The charges were brought home to the native officials in many instances; it was right they should be exposed, as a preventive not only to future malpractice, but also to that species of agitation which was endeavouring to charge the entire blame on the British Government, and the entire fault on British officers.

But how did these malpractices originate? and how was it they were permitted to continue?

With respect to the first question, it will hardly be contradicted, I imagine, that the practice of torture has existed in all countries in a barbarous or semi-civilised state of society, and, in accordance with this view, it has prevailed generally in India.

With respect to the second, the answer, I believe, is, that the facts of the case had hardly been fully realised ; a heavy taxation had to be collected ; the sale of lands was discouraged; the native officers were obliged to employ any pressure which would meet the difficulty; their combined duties of police and revenue induced habits which, looking at the circumstances of their position, were hardly to be avoided; and thus a system was in existence which undoubtedly called for reform.

But would the desired object be effected by heaping severe penalties on the officers of Government for their acts,—improper ones, no doubt, and unsanctioned, but still in some degree forced upon them in the performance of their duty? I certainly did think that it would not altogether become this Government to make its native officers, a numerous and influential body, containing some of the wealthiest and most respectable men in every province, the objects for increased censure, and the subjects of heavier penalties, without at the same time giving palpable evidence that they would be relieved from some of the difficulties with which their position was encumbered. I was of opinion that it would be more fitting the policy of a great Government, that a measure which should discourage every species of violence should be accompanied by the evidence of a publicly expressed disposition:

1st. To ameliorate the position of the tax-payers by a fresh survey and assessment. Mr. Vernon Smith is reported to have stated that the Government of India have approved of the measures proposed by this Government on the subject. I have heard privately that such is the case; but this Government has received no official communication to that effect.

2d. By diminishing the duties of the revenue officers by an increase of the magistrature, and a reorganization of the police.

Measures to effect this purpose have been proposed by this Government; but I fear, from the tenor of the Honourable Court's despatch, dated 23d of July 1856, Judicial Department, No. 12 of 1856, that they are indefinitely postponed.

3d. By

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3d. By the concurrent passing of an Act for facilitating distraint both on the land and on personalty. An Act for this purpose, which has required time for full deliberation, is now in preparation.

These were my views, and these would still be my views, were the circumstances the same.

But it appears to be concluded that definite instructions to draft an Act have been received from the Honourable Court.

It appears also to be considered that the framing such an Act is the test of the earnestness of this Government in the abolition of torture.

I, therefore, think that there is now but one course to pursue, and that it is incumbent on this Government to direct a draft Act against the abuse of authority by public servants, to be framed by the Honourable Company's solicitor, and to be forwarded to the Legislative Member at Calcutta, in order that it may be passed into law.

(signed) *Harris.*

Government House, 4 September 1856.

(A.)

FORT ST. GEORGE.

STATEMENT of CHARGES against PUBLIC OFFICERS for TORTURE.

Officers, and the Regulations under which they acted.	PERIODS.	In extorting Confessions in Criminal Cases.								In realising Revenue.									REMARKS.
						Imprisonment.								Imprisonment.					
		No. of Cases.	No. of Persons.	Persons Acquitted.	Persons Fined.	Not exceeding One Month.	Not exceeding Two Months.	Not exceeding Three Months.	Not exceeding Six Months.	No. of Cases.	No. of Persons.	Persons Acquitted.	Persons Fined.	Not exceeding One Month.	Not exceeding Three Months.	Not exceeding Six Months.	Not exceeding 12 Months.	Not exceeding 15 Months.	
Session Court - -	1856	1	2	2	–	–	–	–	–	2	5	–	–	–	–	1	2	2	No cases were tried before the Session Court in 1854 and 1855.
Subordinate Courts, under Sect. 7, Reg. X. of 1816 - -	1854	4	14	8	–	–	–	–	6	2	5	5	–	–	–	–	–	–	
	1855	10	21	15	–	–	–	1	5	5	5	2	–	–	–	3	–	–	
	up to July 1856	6	16	9	–	–	1	5	1	1	4	2	2	–	–	–	–	–	
Magistracy, under ditto, and Sect. 54, Act VII. of 1843 - -	1854	7	14	5	–	1	1	5	2	–	–	–	–	–	–	–	–	–	
	1855	3	11	2	1	–	2	3	3	4	16	2	8	4	1	1	–	–	
	up to July 1856	5	21	5	–	–	–	8	8	1	2	–	2	–	–	–	–	–	
Ditto, under Sect. 32, Reg. IX. of 1816 -	1854	–	–	–	–	–	–	–	–	5	16	–	16	–	–	–	–	–	
	1855	2	5	3	2	–	–	–	–	6	10	1	9	–	–	–	–	–	
	up to June 1856	–	–	–	–	–	–	–	–	1	7	5	2	–	–	–	–	–	
Ditto, under Sect. 3, Regulation III. of 1819 - - -	1854	51	164	134	30	–	–	–	–	20	44	26	18	–	–	–	–	–	
	1855	48	203	191	12	–	–	–	–	46	119	103	16	–	–	–	–	–	
	up to June 1856	9	35	35	–	–	–	–	–	5	15	15	–	–	–	–	–	–	
TOTAL - - -		146	506	409	45	1	4	22	25	98	248	161	73	4	1	5	2	2	

(signed) *George,*
Register.

Although this return is headed "Torture," the laws under which the cases come are for abuse of authority by public servants. The punishments are light, not in consequence of the defect of the law, but from the difficulty of finding sufficient proof in the severe cases when they do occur.

It should be observed, that the extent of punishment which it is competent to the magistrate to inflict in such cases, is imprisonment for six months, with a fine of 200 rupees, commutable, if not paid, to a further period of imprisonment for six months.

This is the law.—*Vide* Sec. 54, Act VII. 1843, and Sec. 7, Reg. X. 1816.

Fort St. George.

MINUTE by the Honourable *Walter Elliot*, Esq.; dated 8 September 1856.

I HAVE read the Minute of the Right Honourable the President. It gives a clear and complete statement of all the proceedings of this Government in the matter of the report of the Torture Commission. I have only to express my entire concurrence in the views it contains.

I have no objection to the course proposed by his Lordship. But I must own that I do not expect any great advantage from the project of the law, for which application is to be made to the Legislative Council.

Of the complaints of abuse of authority and illegal violence received by the Torture Commission and referred to the local magistrates, and of those which have subsequently been brought to notice in the mofussil, amounting by the last return to about 90 cases, there has not been a single instance for the due disposal of which the existing law has been found insufficient. It is true a large proportion of the charges have been discovered to be groundless, but the number brought home by trustworthy evidence sufficed to test the efficiency of the existing law. I anticipate much greater advantage from the reform of the revenue laws, which has lately occupied so much of our attention. When the process of distraint and recovery has been simplified and rendered applicable to all cases of default, there will be less room for proceeding to illegal practices for collecting the public dues.

7 September 1856. (signed) *Walter Elliot.*

(No. 1085.)

RESOLVED, That copies of the above Minutes be forwarded to the Honourable the Court of Directors and to the Government of India, by the next steamers.

2. Resolved also, That the Honourable Company's acting solicitor be requested to prepare for submission to the Legislative Council of India the draft of an Act for the punishment of abuse of authority on the part of public servants in the Police and Revenue departments. Mr. Boyson's attention will be given to the papers noted in the margin.* It is observed that a draft to the above effect was prepared by the Advocate-general, but not submitted to Government, for the reasons stated in his letter of 21st September last. If it be still on the records of his office, it might probably be referred to with advantage.

(No. 82.)

LETTER from *R. D. Parker*, Esq., Magistrate of Madura, to *T. Pycroft*, Esq., Chief Secretary to Government, Judicial Department, Fort St. George.

Sir,

UNDER the idea that some modifications of the law are under consideration, I have the honour to request that you will lay before the Right honourable the Governor in Council the enclosed statement of charges of abuse of authority by police officers, disposed of by the magistracy of Madura during the year 1854 and the first half of 1855.

2. The number dismissed will be seen to have been immense; and I have no doubt that a considerable proportion of them, besides those entered as false, were made without any foundation. This appears to me an evil of great magnitude. Not only are the persons accused put to much inconvenience, but the witnesses, composing a far greater number, are taken away from their homes and occupations without any advantage to compensate for the sacrifice; and their detention and

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* Report of Commissioners for the Investigation of Alleged Cases of Torture in the Madras Presidency, 16 April 1855, p. 76; from Magistrate of Madura, 17 July 1855; from Magistrate of Bellary, 21 August 1856.

and length of journey are longer than in ordinary cases, because all charges against police officers are required to be examined by the European magistracy. It is certain that abuses of authority not unfrequently occur, which it is most desirable to investigate thoroughly, but nothing tends more to prevent the detection and punishment of real injustice and oppression than false and reckless accusations, which seem now to be much on the increase. Such charges spring from the very same spirit which prompts the native police officer to oppression, and are made, I have reason to believe, from the same motives. Bad and designing people incite others to make false complaints against the police, in order either to gratify revenge or to make them afraid to do their duty.

3. I would beg to recommend, as some check to the practice, that the power of punishment given to magistrates by section 35, Regulation IX. of 1816, for false petty complaints under sections 32 and 33 of the same Regulation, may be extended to false accusations under Regulation III. of 1819, the maximum period of imprisonment in lieu of fine being increased to one month.

4. The only present remedy is commitment for perjury; but to do this is generally useless, even when the falsehood of a charge is morally certain, inasmuch as it is nearly impossible in this country to prove a negative. Indictments for perjury are rarely successful, except where the party has given two contrary depositions on oath.

I have, &c.
(signed) *R. D. Parker*, Magistrate.

Madura, 17 July 1855.

STATEMENT of Cases of Abuse of Authority disposed of by the Magistracy in 1854, and in the First Half Year of 1855.

1. YEAR.	2. AUTHORITIES.	3. Disposed of.		4. Punished.		5. Committed to the Court.		6. Dismissed.		7. Cases of Column 6 Dismissed as false.	
		Cases.	Persons.	Cases.	Persons.	Cases.	Persons.	Cases.	Persons.	Cases.	Persons.
1854 -	Magistrate - - - -	4	11	1	1	1	4	2	6	—	—
	Joint Magistrate - - -	73	96	6	6	- -	- -	67	90	15	15
	Paumben Magistrate - -	4	24	- -	- -	4	24*	—	—	—	—
	Head Assistant Magistrate -	3	3	1	1	- -	- -	2	2	—	—
	Assistant Magistrate - -	6	9	3	3	- -	- -	3	6	—	—
	Total - - -	90	143	11	11	5	28	74	104	15	15
First half year of 1855 -	Magistrate - - - -	6	10	1	2	- -	- -	5	8	3	4
	Joint Magistrate - - -	21	35	4	6	- -	- -	17	17	7	8
	Paumben Magistrate - -	—	—	—	—	—	—	—	—	—	—
	Head Assistant Magistrate -	—	—	—	—	—	—	—	—	—	—
	Assistant Magistrate - -	3	4	- -	- -	- -	- -	3	4	—	—
	Total - - -	30	49	5	8	- -	- -	25	41	10	12

* Court peons and village officer, in execution of a court process.

17 July 1855.

(signed) *R. D. Parker*, Magistrate.

Fort St. George.

(No. 546.)

Ordered to be forwarded to the Advocate-general and the Government pleader, with reference to para. 20, of Extract Minutes of Consultation, 7 June 1855, No. 747.

Fort St. George, 1 August 1855.

(No. 33.)

Letter from *C. Pelly*, Esq., Magistrate of Bellary, to *T. Pycroft*, Esq., Chief Secretary to Government, Judicial Department, Fort St. George.

Sir,

In accordance with the instructions of Government, under date the 10th June 1856, I have the honour to report the following case of alleged torture.

The head of police of Madugseerah reported to me that two persons, Madigah Hoonsomah and Soobah, charged before him with cattle-poisoning, had complained to him that they had been tortured by Soobarow, the ammanny mootsuddy (moonsiff) of the village of Munnoor, in order to extort a confession from them. They said their fingers had been tied with a string, and bent back, and tied to their arm. The head of police reported that there were no marks to show that they had been thus ill-used, but he gave them a notice and direction to make their complaint to the magistrate.

On receipt of this report, I directed the head of police to ascertain whether the complainants had, as directed, left their village to prefer their complaint before me, and, if not, to send them with any evidence that was forthcoming. In reply, he reported that the complainants refused to prefer any complaint, and stated that they had no evidence to support their charge, and there the matter has dropped.

I would, however, take this opportunity of pointing out what appears to me an evil. The orders of the Foujdare Udalut direct that all cases coming under Section 3, Regulation III. of 1819, must be investigated solely by the European magistracy, and no interference whatever is permitted by the native police in such cases. Several years ago I was led into a correspondence on this subject with the session judge, and those instructions were confirmed. In order, however, to ensure as much as possible parties aggrieved obtaining redress, I then directed the heads of police to furnish any persons complaining of maltreatment at the hands of the police with a written notice, directing them to complain, if they chose, to the magistrate. But it must be obvious, that frequently parties will not put themselves to the inconvenience of travelling a long distance (as in the present case, about 100 miles) to the magistrate's court, where they must necessarily be detained a very long time, until the evidence is got and heard, and probably, after all, without being able to prove their charge. Moreover, witnesses summoned from such a distance, who, perhaps, either know nothing, or will probably say they are ignorant of the facts stated, are put to much inconvenience, and to no effect.

I would therefore suggest that it would be better, and tend to the furtherance of justice, were the tahsildars permitted on every occasion of a case of maltreatment by the police, or revenue authorities under them, being brought to their notice, to make a preliminary inquiry, and if there is evidence, to send the case up; and if not, to report it, leaving the complainants, if they think proper, to appeal against a dismissal of the accused by the head of police. As the law is now interpreted, heads of district police are exempted from all responsibility in cases of maltreatment, serious or petty, charged against any of their subordinate police officers, further than to inform the parties aggrieved that they must take their complaint to the magistrate.

I have, &c.

Bellary, Magistrate's Office,
21 August 1856.

(signed) *C. Pelly*,
Magistrate.

Fort St. George.

(No. 1086.)

LETTER from *T. Pycroft*, Esq., Chief Secretary to Government, to the Secretary to the Government of India.

Sir,

1. IN continuation of my letter to your address, under date 8th March last, Public Department, No. 269, I am directed by the Right honourable the Governor in Council to forward, for submission to the Right honourable the Governor-general in Council, the accompanying copies of the minutes, as per margin.*

2. Referring to the concluding para. of the minute by the Right honourable the President, I am instructed to state, that in the absence of the Advocate-general, the Honourable Company's acting solicitor has been directed to prepare for submission to the Legislative Council, the draft of an Act for the punishment of abuse of authority on the part of public servants in the Police and Revenue departments.

I have, &c.
(signed) *T. Pycroft*,
Fort St. George, 9 September 1856. Chief Secretary.

EXTRACT Fort St. George, Public Consultation, of 25 November 1856.

READ the following Letter:—

(No. 1419.)

LETTER from *Cecil Beadon*, Esq., Secretary to the Government of India, to *J. Pycroft*, Esq., Chief Secretary to the Government of Fort St. George.

Sir,

I AM directed by the Right honourable the Governor-general in Council to acknowledge the receipt of your letter, No. 1086, dated the 9th ultimo, forwarding minutes by the Right honourable the Governor, and the Honourable Mr. Elliot, on the question of special legislation for the prevention of abuse of authority on the part of public servants in the Police and Revenue departments. Home Department.

2. Since the receipt of this communication, the Governor-general in Council has been put in possession of a copy of the Honourable Court's despatch to the Government of Fort St. George, in the Judicial Department, No. 14, dated the 10th September last, in accordance with the views expressed, in which the consideration of the draft Act now under preparation by the acting Company's solicitor at Madras will be proceeded with.

3. I am directed however to remark, with reference to those passages in the Governor's minute which are transcribed on the margin,† that the Governor-general

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* Minute by the Right honourable the President, 4 September 1856; Minute by Honourable Mr. Walter Elliot, 7th idem.

† "But would the desired object be effected by heaping severe penalties on the officers of Government for their acts, improper ones no doubt, and unsanctioned, but still in some degree forced upon them in the performance of their duty?

"I certainly did think that it would not altogether become this Government to make its native officers, a numerous and influential body, containing some of the wealthiest and most respectable men in every province, the objects for increased censure and the subjects of heavier penalties, without at the same time giving palpable evidence that they would be relieved from some of the difficulties with which their position was encumbered. I was of opinion that it would be more fitting the policy of a great government that a measure which should discourage every species of violence should be accompanied by the evidence of a publicly expressed disposition,—

"1st. To ameliorate the position of the taxpayers by a survey and assessment. Mr. Vernon Smith is reported to have stated that the Government of India have approved of the measures proposed by this Government on the subject. I have heard privately that such is the case, but this Government has received no official communication to that effect.

"2d. By diminishing the duties of the revenue officers, by an increase of the magistrature, and a reorganization of the police.

Fort St. George.

general in Council cannot agree in the opinion which he understands to be there expressed, that the practice of torture is a necessity, in some measure, forced upon the native officers by reason of the over-assessment of the land, or of the inability of those officers to perform the amount of work required of them, or by the inefficacy of the law of execution against person and property; nor can his Lordship in Council admit that the practice of torture by native revenue officers of Madras should be in any degree overlooked till the revenue and judicial systems of that Presidency are reformed.

4. The Honourable Mr. Elliot observes, that the existing law provides adequate penalties for torture, and that those penalties are now actually enforced whenever proof of a case of torture can be obtained. This is probably the case, but it cannot be rightly said that because the Government of India has not yet sanctioned a large increase of expense for the police establishments of Madras, there is any reason for not making revenue officers who cannot torture "objects of increased censure," and at any rate his Lordship in Council trusts that whatever be the effect, owing to the imputed defects of the revenue law, the existing penal law will be enforced with the utmost rigour, and in the most determined spirit against all persons guilty of torture, and especially against native officers of Government who abuse their powers in this manner.

I have, &c.
(signed) *Cecil Beadon,*
Secretary to the Government of India.

Fort William, 31 October 1856.

Ordered, to be recorded.

Extract Judicial Letter from Fort St. George, dated 10 February 1857 (No. 3.)

2. By our despatch, in the public department, of 11th September last, No. 27, and the papers which accompanied it,* your Honourable Court will have been informed that the Honourable Company's acting solicitor was directed, under date 9th idem, to prepare for submission to the Legislative Council of India, the draft of an Act for the punishment of abuse of authority on the part of public servants in the Police and Revenue departments. We now beg to forward the correspondence † that has since transpired on this subject. Your Honourable Court will observe, that the member for Madras has deemed it unnecessary to submit the Bill prepared by the acting solicitor to the Legislative Council, because the subject had been fully considered by the Select Committee on the Penal Code, having in view the disclosures contained in the Report of the Madras Commissioners on the alleged use of torture, and their observations upon the existing state of the law.

"Measures to effect this purpose have been proposed by this Government, but I fear, from the tenor of the Honourable Court's despatch, dated 23 July 1856, Judicial Department, No. 12 of 1856, that they are indefinitely postponed.

3d. "By the concurrent passing of an Act for facilitating distraint both on the land and on personalty, an Act for this purpose which has required time for full deliberation, is now in preparation.

"These were my views, and these would still be my views were the circumstances the same."

* Letter dated 10 September, No. 14, of 1856. Review the despatch from this Government relative to the amendment of the law regarding abuse of authority by public servants; are of opinion that Legislative measures alone will not be sufficient, but that the English authorities should be accessible at all times to complaints of this nature; that they should be jealously on their guard against any combination amongst native officers to make common cause in extortion, or to shield those who have been guilty of acts of oppression or cruelty, and that if such a course be steadily pursued, the fact of the magistrate being also Collector of the district, need not stand in the way of immediate legislation; observe that it is probable that some of the provisions of the penal code, now in the hands of the Legislative Council, will meet cases of abuse; suggest that this Government communicate with the Council on the subject, but nevertheless think it expedient that a special Act should be passed; and intimate what should be the scope of that Act; insist on the most earnest attention of the authorities to the suppression of this crime, by the most effective means of punishment until a plan for the improvement of the administration be adopted; and desire that the subject may again be taken into immediate consideration.

† In Consultation, 25 November 1856, No. 1650; in Diary Consultation, 6 January 1857, Nos. 5 to 8; in Diary Consultation, 27 January 1857.

Fort St. George Judicial Consultation, 6 January 1857.

Read the following Papers:—

(No. 5.)

Read the following Letter from *J. R. Boyson*, Esq., Government Pleader, to *T. Pycroft*, Esq., Chief Secretary to Government, dated 24 November 1856, No. 18.

Sir,

With reference to the extracts from Minutes of Consultation noted in the margin, I have the honour to state for the information of Government, that after giving the subject much consideration, I am still of opinion that it would be more expedient to embody such provisions as may appear best calculated to provide effectually for the punishment of abuse of authority on the part of public servants, in the new Penal Code, than to make them the subject of a separate enactment; and that if the separation of revenue and police authority is still contemplated, it would be advisable to defer legislating for abuse of authority until such separation has been effected, and the new scheme has been finally determined upon.

M. C. dated 9 Sept. 1856, No. 1085, Public Depart.
M. C. dated 30 Oct. 1856, No. 1185, Judicial Depart.

The three principal objects to be attained by legislation are:

1st. Enabling the European magistracy to award a much larger amount of punishment for abuse of authority than they can now lawfully do.

2d. Making such punishment more summary, more speedy, and more certain than it now is; and,

3d. Giving to aggrieved parties the means of obtaining redress within a reasonable distance from their own homes, and thus removing the evil (now so seriously felt) that a party desirous of complaining of any abuse of authority on the part of a public officer must, in the majority of cases, travel a considerable distance (in some cases 80 or 100 miles, and even further) with all his witnesses, to a station at which a European magistrate may be located, for the purpose of preferring his complaint and having it investigated, and may be there detained for many days or perhaps weeks, involving the entire loss during this period of his own time and the time of his witnesses as well as the travelling and other expenses of a long journey, and the annoyance and inconvenience as well as pecuniary loss attendant upon it and upon the absence and detention from home of himself and witnesses. This state of things amounts virtually in very many cases to a denial of justice, for it can well be imagined that a party who has been aggrieved by the oppression of a public servant would rather submit to the wrong than incur the inconvenience, annoyance, expense, and loss which would be necessarily consequent, as the law now stands, upon his seeking redress.

The two first objects can be easily provided for; the last, and this seems to me the most important one, is the most difficult to deal with, for it involves the question, to whose (other than the European magistracy) jurisdiction in the matter can most safely be entrusted.

Under existing circumstances the only mode of attaining the third object will be by giving jurisdiction in the matter either to district moonsiffs or tahsildars.

The tahsildar is the head officer within his own local jurisdiction of both revenue and police, and is the officer who is most frequently charged with direct abuse of authority, and of sanctioning and abetting it in others; and it seems to me that it would be in the highest degree unsatisfactory to the people to refer them to him for redress, and that such an arrangement would not beget that confidence in public justice which it is the desire of Government to inspire.

District moonsiffs have not at present any criminal jurisdiction except when it is given them under Act XII. of 1854, and they have no control ever the police. It will of course be essentially necessary to give such control to whoever is invested with jurisdiction under the proposed Act. Endeavours have been made during late years to raise the character and standing of district moonsiffs, and to secure efficiency by previous examination into qualification, &c., and this system must tend to the filling of these offices with a superior and more intelligent class of men than those who formerly held them.

 I am

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No. 1.

I am of opinion that it would be far more expedient to invest district moonsiffs with authority to punish abuse of authority than to give that jurisdiction to tahsildars, and I have accordingly prepared and herewith forward for the consideration of Government a draft Act having this object.

The offence calls for severe punishment, and it may at first sight appear that, as compared with the authority which even European magistrates now possess under the Regulations, the quantum of punishment which by the draft Act (as I have prepared it) the European magistrates and district moonsiffs are empowered to award is unusually large. I see no objection whatever to giving these increased powers to the European magistracy, and looking at the appeal to the session judge which I propose to give, I do not consider that any evil or mischief is likely to result from entrusting district moonsiffs with authority to award that punishment which the Act provides for; and it seems to me that the risk, whatever it may be, must be incurred.

No. 2.

To provide for the contingency of Government determining not to invest district moonsiffs with authority to punish abuse of authority, I herewith forward a draft Act similar in its provisions to the draft above mentioned, but excluding those relating to district moonsiffs.

There is one other mode in which the third object above mentioned might be in some measure attained, viz., by giving tahsildars power to inquire into and report upon abuse of authority in the same manner as they are now authorised to do with reference to heinous offences under Regulation II. of 1816, section 27; but, for the reasons above stated, I do not consider such an arrangement expedient.

(No. 6.)

MINUTE by the Honourable *W. Elliot*, Esq.; dated 20 December 1856.

I HAVE already stated incidentally in a Minute dated 7th September 1856, that I consider special legislation for abuse of authority by public officers to be unnecessary, because the ordinary law has proved sufficient for all cases that have hitherto occurred, and I feel assured will be found equally so for such as may arise hereafter.

I can only repeat the same opinion on the present occasion.

Although Regulation III. of 1819, only empowers magistrates to punish police officers for abuse of authority or extortion by fine of 50 rupees or imprisonment for one month; the same officers are empowered under the more general and extended powers vested in them by section 54, Act VII. of 1843, to punish offenders by imprisonment to the extent of six months, and to fine not exceeding 200 rupees, and farther, should such penalties appear inadequate, to commit to the criminal courts under clause 3, section 3, Regulation III. of 1819.

The judicial powers vested in the magistrate may be delegated to his agents under sections 5 and 6 of Regulation IX. of 1816, so as to bring the means of redress more within the reach of persons suffering from such treatment, and the facility of redress is still farther extended by Act XII. of 1854, as regards petty cases of abuse.

Then as regards compensation for injuries sustained by persons who have been subjected to such ill-treatment, clause 2 of section 39, Regulation IX. of 1816, authorises a magistrate to award the whole or any portion of a fine imposed by him, to the sufferer.

With such provision for the punishment of these offences by the present law, with the early prospect of the enlarged jurisdiction to be conferred on subordinate criminal courts in the reform of judicial establishment now in contemplation, and with the more comprehensive scale of penalties provided by the Penal Code about to come into force, the application to the Legislative Council for an enactment, such as the one now drafted, appears to me to be a work of supererogation.

I must further express my objection to the recommendation contained in para. 10 of the letter to the member of the Legislative Council, to the effect that the sentence of the session court should be final.

Experience has shown that cases of this description demand a more than ordinary dispassionate and calm consideration. In more than one case of recent

recent occurrence the sentence of the sessions judge has been quashed on review by the Sudr. To take away such power of review will deprive a class of men especially liable to become the victims of conspiracy, of the scrutiny of that tribunal which of all others may be considered the best qualified to pronounce on the value of such equivocal evidence. Fort St. George.

Act No. 1.

An Act to provide for the Punishment of Abuse of Authority on the part of Persons in the Service of the East India Company, and employed within the Presidency of Fort St. George, in the East Indies.

Whereas it is expedient to provide more effectually for the speedy punishment of abuse of authority on the part of persons in the service of the East India Company, and employed within the Presidency of Fort St. George, in the East Indies; it is enacted as follows:

I. Section 30 of Regulation XI. of 1816, and Regulation III. of 1819, are hereby rescinded.

II. The following words and expressions hereinafter used in this Act shall have the meanings hereby assigned to them; (that is to say),

The expression "abuse of authority" shall mean and include any unlawful duress, constraint or violence used by or under the order or at the request or instigation of any person in the service of the said East India Company, and employed within the said Presidency of Fort St. George, upon or towards any person whomsoever, and extortion and putting or attempting to put in fear, in order to extortion by or under the order or at the request or instigation of any person in the service of the said East India Company, and employed within the said Presidency of Fort St. George, from any person whomsoever, of any confession, money or valuable consideration or thing.

The word "magistrate" shall mean and include any magistrate, joint magistrate, or assistant magistrate, having jurisdiction within the zillah in which any abuse of authority shall have been committed.

Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number.

Words importing the masculine gender shall include females.

The word "month" shall mean calendar month.

III. Whoever considers himself aggrieved by any abuse of authority by or on the part of any person in the service of the said East India Company, and employed within the said Presidency, shall be at liberty to prefer a complaint in respect of such alleged abuse of authority to any magistrate having jurisdiction within the zillah in which it shall be alleged that such abuse of authority was committed, or to the district moonsiff within whose local jurisdiction the place at which it shall be alleged that such abuse of authority was committed shall happen to be, and the magistrate or district moonsiff, as the case may be, to whom any such complaint as aforesaid shall be preferred, shall forthwith inquire into and investigate the same.

IV. Upon conviction of any abuse of authority before any such magistrate as aforesaid, the person convicted shall be liable to imprisonment, with or without hard labour, for a term not exceeding one year, or to a fine not exceeding 1,000 rupees, or to both, or to be committed for trial before the session judge of the zillah in which such abuse of authority shall have been committed.

V. Upon conviction of any abuse of authority before any such district moonsiff as aforesaid, the person convicted shall be liable to imprisonment, with or without hard labour, for a term not exceeding six months, or to a fine not exceeding 500 rupees, or to both, or to be committed for trial before the session judge of the zillah in which such abuse of authority shall have been committed.

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VI. Upon conviction of any abuse of authority before any such session judge as aforesaid, the person convicted shall be liable to imprisonment with or without hard labour for a term not exceeding three years, or to a fine not exceeding 5,000 rupees, or to both; and every such conviction as last aforesaid, and the sentence or order thereupon passed, shall be final.

VII. Any person whomsoever, whether he shall be in the service of the said East India Company and employed within the said Presidency or not, who shall instigate or aid, abet or assist, directly or indirectly, in any abuse of authority punishable under the provisions of this Act, may be proceeded against and punished in the same manner and to the same extent as the person whom he shall have so instigated, aided, abetted or assisted shall be punishable under the authority of this Act.

VIII. When any fine shall have been levied under the authority of this Act, it shall be lawful for the session judge, magistrate, or district moonsiff by whom such fine shall have been imposed, to award the whole or any portion of such fine to the party who shall have been aggrieved by the abuse of authority for which such fine shall have been imposed, by way of satisfaction, for such injury.

IX. In any case in which a magistrate or district moonsiff shall convict any person under the provisions of this Act of any abuse of authority, an appeal against such conviction and the sentence or order thereupon passed, or against such sentence or order only, may be preferred to the session judge of the zillah in which such abuse of authority was committed, within 30 days from the date of such sentence or order, but not afterwards; and it shall be competent to such session judge, upon any such appeal, to quash such conviction, and to annul or alter such sentence or order, or to annul or alter such sentence or order only; provided nevertheless that such session judge shall not increase the punishment awarded by such sentence or order; and the decision of such session judge on any such appeal shall be final.

X. Any district moonsiff, acting under the authority of this Act, shall have the same powers and jurisdiction for procuring and enforcing the attendance of any person charged with any abuse of authority, and of convicting and committing to gaol any such person, and for procuring and enforcing the attendance of witnesses for the purpose of being examined relative to any such alleged abuse of authority, and of taking their evidence on oath or solemn affirmation as a zillah magistrate shall for the time being have in like cases; and all officers of police shall obey, give effect to, serve and execute all orders and process issued by any district moonsiff acting under the authority of this Act, in the same manner and to the same extent in all respects as they would obey, give effect to, serve and execute any order or process issued by any such zillah magistrate as aforesaid.

XI. In any case in which any person shall be charged before any such magistrate as aforesaid with any abuse of authority, and it shall appear to the magistrate by whom the case shall be investigated that there was no sufficient ground for making such charge, the person who shall have made such charge shall be liable to imprisonment, with or without hard labour, for a term not exceeding six months, or to a fine not exceeding 500 rupees, or to both; and it shall be lawful for the magistrate by whom any such fine as last aforesaid shall have been imposed, to award the whole or any portion of such fine to the party complained against by way of amends.

XII. In any case in which any person shall be charged before any such district moonsiff as aforesaid with any abuse of authority, and it shall appear to the district moonsiff by whom the case shall be investigated that there was no sufficient ground for making such charge, the person who shall have made such charge shall be liable to imprisonment, with or without hard labour, for a term not exceeding three months, or to a fine not exceeding 250 rupees, or to both; and it shall be lawful for the district moonsiff by whom any such fine as last aforesaid shall have been imposed, to award the whole or any portion of such fine to the party complained against by way of amends.

XIII. All fines and penalties imposed by any session judge, magistrate, or district moonsiff under the authority of this Act, may be levied (in case of non-payment) in the manner provided by Act II. of 1839.

XIV. Whenever

XIV. Whenever any person shall have been sentenced under the provisions of this Act to imprisonment and fine, and such person shall become liable, under the provisions of Act II. of 1839, to imprisonment for non-payment of such fine, the imprisonment of such person as last aforesaid shall be cumulative. Fort St. George.

Act No. 2.

An Act to provide for the Punishment of Abuse of Authority on the part of Persons in the Service of the East India Company, and employed within the Presidency of Fort St. George, in the East Indies.

Whereas it is expedient to provide more effectually for the speedy punishment of abuse of authority on the part of persons in the service of the East India Company, and employed within the Presidency of Fort St. George, in the East Indies; it is enacted as follows:

I. Section 30 of Regulation XI. of 1816, and Regulation III. of 1819, are hereby rescinded.

II. The following words and expressions hereinafter used in this Act shall have the meanings hereby assigned to them; (that is to say,)

The expression "abuse of authority" shall mean and include any unlawful duress, constraint, or violence used by or under the order, or at the request or instigation of any person in the service of the said East India Company and employed within the said Presidency of Fort St. George, upon or towards any person whomsoever; and extortion and putting, or attempting to put in fear in order to extortion by or under the order, or at the request or instigation of any person in the service of the said East India Company, and employed within the said Presidency of Fort St. George, from any person whomsoever, of any confession, money, or valuable consideration or thing.

The word "magistrate" shall mean and include any magistrate, joint magistrate, or assistant magistrate, having jurisdiction within the zillah in which any abuse of authority shall have been committed.

Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number.

Words importing the masculine gender shall include females.

The word "month" shall mean calendar month.

III. Whoever considers himself aggrieved by any abuse of authority by or on the part of any person in the service of the East India Company and employed within the said Presidency, shall be at liberty to prefer a complaint in respect of such alleged abuse of authority to any magistrate having jurisdiction within the zillah in which it shall be alleged that such abuse of authority was committed, and such magistrate shall forthwith inquire into and investigate such complaint.

IV. Upon conviction of any abuse of authority before any such magistrate as aforesaid, the person convicted shall be liable to imprisonment with or without hard labour, for a term not exceeding one year, or to a fine not exceeding 1,000 rupees, or to both, or to be committed for trial before the session judge of the zillah in which such abuse of authority shall have been committed.

V. Upon conviction of any abuse of authority before any such session judge as aforesaid, the person convicted shall be liable to imprisonment with or without hard labour, for a term not exceeding three years, or to a fine not exceeding 5,000 rupees, or to both, and every such conviction as last aforesaid, and the sentence or order thereupon passed, shall be final.

VI. Any person whomsoever, whether he shall be in the service of the said East India Company, and employed within the said Presidency or not, who shall instigate or aid, abet or assist, directly or indirectly, in any abuse of authority punishable under the provisions of this Act, may be proceeded against and punished in the same manner and to the same extent, as the person whom he shall have so instigated, aided, abetted, or assisted, shall be punishable under the authority of this Act.

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VII. When any fine shall have been levied under the authority of this Act, it shall be lawful for the session judge or magistrate by whom such fine shall have been imposed, to award the whole or any portion of such fine to the party who shall have been aggrieved by the abuse of authority for which such fine shall have been imposed, by way of satisfaction for such injury.

VIII. In any case in which a magistrate shall convict any person under the provisions of this Act of any abuse of authority, an appeal against such conviction, and the sentence or order thereupon passed, or against such sentence or order only, may be preferred to the session judge of the zillah in which such abuse of authority was committed, within 30 days from the date of such sentence or order, but not afterwards; and it shall be competent to such session judge upon any such appeal to quash such onviction, and to annul or alter such sentence or order, or to annul or alter such sentence or order only; provided, nevertheless, that such session judge shall not increase the punishment awarded by such sentence or order: and the decision of such session judge on any such appeal shall be final.

IX. In any case in which any person shall be charged before any such magistrate as aforesaid, with any abuse of authority, and it shall appear to the magistrate by whom the case shall be investigated, that there was no sufficient ground for making such charge, the person who shall have made such charge shall be liable to imprisonment, with or without hard labour, for a term not exceeding months, or to a fine not exceeding rupees, or to both, and it shall be lawful for the magistrate by whom any such fine as last aforesaid shall have been imposed, to award the whole, or any portion of such fine, to the party complained against by way of amends.

X. All fines and penalties imposed by any session judge or magistrate under the authority of this Act, may be levied (in case of non-payment) in the manner provided by Act II. of 1839.

XI. Whenever any person shall have been sentenced under the provisions of this Act to imprisonment and fine, and such person shall become liable under the provisions of Act II. of 1839, to imprisonment for non-payment of such fine, the imprisonment of such person as last aforesaid shall be cumulative.

(No. 7.)

Ordered, That the Extract from the Minutes of Consultation, dated 24th December 1856, No. 1365, be recorded.

(No. 8.)

Ordered, That the following letter be despatched.

From *T. Pycroft*, Esq., Chief Secretary to the Government of Fort St. George; to the Honourable *D. Elliott*, Esq., Member of the Legislative Council of India for Madras, dated 24th December 1856, No. 1364.

Sir,

I am directed by the Right honourable the Governor in Council to forward to you for submission to the Legislative Council the accompanying draft of an Act prepared by the Honourable Company's acting solicitor, for providing for the punishment of abuse of authority on the part of persons in the service of the East India Company, and employed within the Presidency of Fort St. George.

2. In the Report on the alleged use of torture by the native revenue and police officers of the Madras Presidency, the Commissioners, para. 76, drew attention to the existing state of the law for the repression of the practices which they had been engaged in investigating. "The law," they stated, "appears to us both circuitous in its procedure, and deficient in its provisions for the prevention

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tion and punishment of personal violence illegally administered by an abuse of authority. We have collected the main provisions of the law on this subject, and we deem that we have sufficiently discharged our duty in drawing the attention of Government to its state as it stands, leaving such amendment or alteration as may be thought expedient, to the better consideration of the Right Honourable the Governor in Council." The Commissioners then recited those parts of the Regulations or Acts applicable to the Madras Presidency, bearing on the offence of abuse of authority on the part of native revenue or police servants.

3. The Government extract Minutes Consultation, 7th June 1855, No. 747, in their review of this part of the Commissioners' Report, resolved to request the Advocate-general and Government pleader to confer upon the subject, and to submit the draft of the Act which they would propose in amendment of the present law, to be applicable to all cases of abuse of authority committed by public servants or parties assuming to act as such, and either in the Police or in the Revenue department.

4. The Advocate-general, in his letter of 21st September 1855, represented that he and the Government pleader had experienced much difficulty in the preparation of such an Act as was desired by the Madras Government, and he suggested that the measure should for the present be suspended, on the grounds, first, that no really efficient measures could be carried out until the revenue and police agencies were wholly separated; and, secondly, that the subject of the proposed Act was peculiarly one that should be embodied in the forthcoming new Penal Code, rather than be provided for by special and independent legislation.

5. In this suggestion the Government acquiesced, but they were subsequently made aware that the views of the Advocate-general and Government pleader were not held valid by the home authorities, and they consequently desired the Honourable Company's acting solicitor, the Advocate-general having in the interim proceeded to England on medical certificate, to resume the consideration of the question and to submit the draft of an Act for the punishment of abuse of authority by native servants as early as possible. Subsequently to the issue of these orders they have further received a despatch, No. 14, of 1856, Judicial department, from the Honourable the Court of Directors, strongly expressive of the opinion that there was a call for immediate legislation on the subject.

Vide speech by the Right hon. T. Vernon Smith, in the House of Commons, 21 July 1856.

6. In deference to these sentiments the present draft is submitted. It appears to this Government well adapted to secure the end desired. There are but few points in it which it seems requisite to notice.

7. It will be observed that it is proposed to make the offence punishable, either by a magistrate or by a district moonsiff, but to allow the former to inflict a much heavier degree of punishment than the latter.

8. It seems clear that to confine the jurisdiction in these cases to the European magistrate must, in many instances, involve impunity, and consequently hold out encouragement to the offence. If any uncovenanted officers are to have jurisdiction, it can only be the district moonsiff, as the conferring such powers on the heads of police would be open to obvious objections.

9. Other points noticeable are that heinous cases committed by the magistrate or district moonsiff, to the sessions judge, are to be sent to that authority direct, and not through the intervention of the sub-judge or principal Sudr Ameen. It is to be presumed that European magistrates and district moonsiffs (which last now pass a legal examination), are able to get up committable cases in proper form, and that it is therefore unnecessary, and would only lead to delay, to have a second committing officer between them and the sessions judge.

10. Another point is, that in such committed cases the judgment of the sessions judge is final, as it may be presumed that sentence passed after the case has gone through two authorities rests on sufficient grounds, and should not be liable to be disturbed.

The Government, I am instructed to state, had allowed this part of the draft to stand for the consideration of the Council, but they do not approve it, experience having, as it appears to them, amply proved that there is no class of offences

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in which it is more requisite that the judgment of the lower court should, on good cause shown, be subjected to the scrutiny of the Foujdaree Adalut.

11. With these remarks I am desired, by the Right honourable the Governor in Council, to forward copies of the correspondence on the subject, as per margin,* and request that the draft, No. 1, submitted by the Government pleader (late Honourable Company's acting solicitor), with his letter of 24th ultimo, may be laid before the Legislative Council at your early convenience.

12. I am at the same time directed to forward copy of a minute upon the draft Act, recorded by the Honourable Mr. Elliot, who, it will be seen, questions the necessity for special legislation upon the subject.

Fort St. George, Judicial Consultation, 27 January 1857.

READ the following letter:

(No. 14.)

From *D. Eliott*, Esq., Member of the Legislative Council, to *T. Pycroft*, Esq., Chief Secretary to Government; dated Fort William, 8 January 1857, No. 78.

Sir,

THE Penal Code was read a second time on Saturday last, the 3d instant; and as i may be convenient to the Right honourable the Governor in Council to have copies of it in the form in which it was laid before the Council, with the clauses of the original Code, printed in a parallel column, to show the alterations proposed by the Select Committee, I have directed that two such copies shall be transmitted to you by this mail.

Yesterday I received your letter of 24th December, with the accompanying draft of an Act for the punishment of abuse of authority on the part of persons in the service of the East India Company, within the Presidency of Fort St. George, with reference to which, I have the honour to request you will submit to the Right honourable the Governor in Council the following observations.

The subject of the proposed Act was fully considered by the Select Committee on the Penal Code, having in view the disclosures contained in the Report of the Madras Commissioners on the alleged use of torture in that Presidency, and the observations of the Commissioners upon the existing state of the law, adverted to in the 2d para. of your letter.

The penal provisions which the Select Committee recommend to be enacted for the punishment of persons committing offences of the nature contemplated in the draft Act, as described in the definition of the expression "abuse of authority," will be found in clauses 31 to 34 and 50 and 51 of chapter 17 of the code relating to offences affecting the human body; and again in clauses 5 to 11 of chapter 18, under the head of extortion. It will be observed, that the clauses referred to do not apply peculiarly to public servants, but include persons being public servants in common with all men who commit the offences described. The illustrations to clause 33, chapter 17, it will be remarked, are all instances of torture so called. Two are cases of torture by police officers, the first to induce the confession of a crime, the second to induce a person to point out stolen property. One is a case of torture by a revenue officer, to compel payment of arrears of revenue. The last is the case of a zemindar torturing a ryot to compel him to pay his rent.

Section 6.

The punishments provided in the Code are much heavier than those proposed in the draft Act. The maximum in the latter is imprisonment, with or without hard labour, for a term not exceeding three years, or a fine not exceeding 5,000 rupees, or both.

The

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* Report of Commissioners for Investigation of Alleged Cases of Torture in the Madras Presidency, para. 76; extract Min. Cons. 7 June 1855, para. 21; from Advocate-general, 21 September 1855; extract Min. Con. 14 November 1855; Judicial despatch from Honourable Court of Directors, 10 September 1856, No. 14; from Government pleader, 24 November 1856.

The penalty in the Code for the offence of causing hurt for the purpose of extorting property, &c., is imprisonment of either description, rigorous or simple, for a term which may extend to 14 years, to which may be added an unlimited fine. Ch. 17, clause 31.

If the hurt be grievous, the offender may be sentenced to transportation for life. Clause 32.

Causing hurt for the purpose of extorting a confession, &c., is punishable with imprisonment of either description, which may extend to seven years, and if the hurt be grievous, to 14 years, and with fine to any amount Clause 33. Clause 34.

The wrongful confinement of a person for the purpose of extorting property, or a confession from him, is punishable with imprisonment of either description, which may extend to three years, and with fine to any amount. Clauses 50 and 51.

Extortion is punishable with imprisonment of either description, which may extend to three years, or with fine, or both, and if the extortion is committed by putting the person in fear of death or grievous hurt, with imprisonment which may extend to 14 years, and must not be less than five, to which an unlimited fine may be added. Ch. 18, clause 6. Clause 8.

Putting a person in fear of an injury in order to the committing of extortion, is punishable with imprisonment, which may extend to two years, or with fine, or both. Clause 7.

Putting him in fear of death is punishable with imprisonment which may extend to seven years, and shall not be less than three, and with fine in addition. Clause 9.

Heavier penalties are provided for the offences described in clauses 10 and 11.

The Right honourable the Governor in Council will probably be of opinion with the Select Committee on the Penal Code, that the provisions they have made are sufficiently comprehensive, and that the penalties proposed for the offences indicated are adequate.

If his Lordship in Council would suggest any modifications, the opportunity will be afforded when the Penal Code is published for general information. In the mean time, I believe, the Legislative Council would be unwilling to entertain a Bill framed according to the draft Act, and, I trust, his Lordship in Council will approve of my not bringing it forward.

The provisions regarding procedure will fall to be considered in the course of the preparation of the code of criminal procedure.

ORDER thereon, No. 89; dated 22 January 1857.

(No. 15.)

RESOLVED, that the above letter and the correspondence to which it refers, be brought to the notice of the Honourable the Court of Directors, in reference to their despatch of the 10th September, No. 14 of 1856.

(signed) *T. Pycroft*,
Chief Secretary.

(True extract.)

(signed) D. F. Carmichael,
Deputy Secretary to Government.

Judicial Department, 10 June 1857.

Our Governor in Council, at Fort St. George.

OUR views on this subject have been fully communicated to you, in our despatch dated 10th September (No. 14) 1856. Should there be any great delay in the passing of the Penal Code, we think that you should again press on the member of the Legislative Council for your Presidency, the expediency of laying before the Council the draft Act prepared by the Government pleader. In the meanwhile we trust that you will rigidly enforce the execution of the existing law against the abuse of authority by public servants. Public letter, dated 11 Sept. (No. 27) 1856, extract Judicial Letter, 10 Feb. (No. 3) 1857, para. 2. Abuse of authority by public servants.

We are, &c.

London, 10 June 1857. (signed)

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— No. 2. —

COMPLAINT OF ILL-USAGE AGAINST THE TAHSEELDAR OF BRAWAHDESEM, OF TINNEVELLY.

EXTRACT Judicial Letter from Fort St. George; dated 10 April, No. 9 of 1856.

In Diary to Cons., 28 Aug. 1855, Nos. 10 and 11.

Para. 32. IN reporting upon a complaint of ill-usage, addressed to us by one Kylasa Pillay against the tassildar of Bhrumadesem, and his peons, in the district of Tinnevelly, the magistrate solicited our instructions on the recommendation of the joint magistrate, by whom the inquiry had been made, that for reasons assigned, the sentence of dismissal, which should be passed under para. 9 of Government Circular dated 7th June 1855, be not carried out on the peons who stood convicted of the charge. In consideration of the recommendation made in favour of these peons, who were probably only instruments in the hands of others, we did not insist upon their dismissal, but directed that, in addition to the fine of three rupees each imposed upon them, they be suspended from their pay and duty for a period of six months.

(No. 811.)

To the Commissioners for the Investigation of Alleged Cases of Torture.

PETITION of Complaint respectfully presented by Kyala Pillay, of Umbo Samoodrum, attached to the Talook of Brawahdasem, in the Zillah of Tinnevelly, against Appah Moodelly, Tasildar of Soarnamadavee Talook, of the same Zillah, and his Peons, Koopoo Naicken, Jyasamy Naicken, Loobramaniah Pillay, Loobben Moottoosawmy Naicken, Teroovian Pillay, his son Erooluppen Pillay, and Danookooty, the watchman.

1. THIS tasildar having before him the notice of your Honor, dated 7th October 1854, tortured me in several ways on the 7th December 1854 and prior to it; the particulars of which are hereunder detailed, a perusal of which will convince to you the irregularities of this tahsildar.

2. I possess few nunjay lands in the talook of Soarnamadavee, and in Fusly 1261 I left the same to be cultivated for three years successively by seventh defendant, under deeds executed to each other, to the effect that 12. 5. 22. veray cootay should be paid to me yearly, including the Cirkar kist and sawmy boagum allowance thereof, and in obedience to which the seventh defendant was punctual for the first two years, but in Fusly 1263 he gave me only two veray coaty, sending word that the remainder will be paid in the next Pessanum crop.

3. This crop of the year falling short, owing to the fall of a less rain, the Circar estimated the crop of the country twice, and allowed the same to be reaped in the presence of Circar people; but this peon, without waiting himself to submit to such arrangement of the Circar, reaped and enjoyed the crop himself, to which neither my consent was obtained or the Circar rent was paid; and in Fusly 1264 the said lands being left uncultivated by the seventh defendant, I allowed the same to the cultivation of one Nullakunnoo. Out of 12. 5. 22. veeray coatay, which the seventh defendant agreed to pay me yearly, inclusive of Circar rent and sawmy bogum, he paid me only two veeray coatay for Fusly 1263, and the remainder is, according to the current rate of 5¼ rupees for each veeray cootay, valued 53 rupees and odd, of which the Circar due is *Rs.* 22. 11, and the rest is due to me for sawmy boagum allowance. But 14 rupees and odd being already paid to the Circar by the seventh defendant, the remainder of the sist is in arrears against him; to enforce the collection of the same from me, the tasildar of Soarnamadavee sent a memorandum to the tasildar of Bramhadasew talook, wherein I reside, and in consequence this tasildar sending for me, detained me in custody, and on his demanding of me the said arrears, I informed him that it is due by the seventh defendant; thereupon the tasildar of Bramahdasem talook wrote the same to the other, and then the seventh defendant, who alone should discharge the arrears, paid three rupees for it.

4. Teroovian

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4. Terooviam Pillay, the seventh defendant, being a tynat peon of Soarnamadavee tasildar, and his son, being the above tasildar's source of obtaining household things from villages without paying for them; my said tenant Nullakunnoo, who cultivates the said lands for Fusly 1264, was taken over, beaten, and detained in custody, and his females were also abused disgracefully. Therefore the said tenant came and informed me of this demand, and that he also informed the tasildar of the fact, from whom the said arrears is to be collected.

5. Subsequently, myself being detained in the talook cutcherry of Brawahdasem, I sent my son, who is yet a minor, and my said tenant with a letter of the address of Soaranawadavee tasildar, requesting him to enforce the payment of the said arrears from his tynat peon. Even then the tasildar unnoticed my request, and again annoyed my said tenant to have the same collected from him. On whose coming again to me I went and demanded the said seventh defendant of his dues to the Circar and myself, to which he answered me that he will pay it by-and-by, and forthwith he went and informed of my arrival there to his said tasildar, who sent the fifth defendant to bring me to the tasildar, who annoyed and abused me disgracefully, and caused the defendants, with the exception of the fifth, to take and beat me in front of his cutcherry, exposing me to the sunshine in a stooping posture. The tasildar, some time afterwards, ordered his peons, the defendants, to take me moreover to the public street, which is to the east of his cutcherry, and through which the temple chariot use to pass, and there to beat and abuse me disgracefully, exposing me to the sunshine and the laughter of the mob throughout the whole day, in a stooping posture, with a load of heavy rock on my back. Thus starving myself the whole day, I was in the night delivered over to the close custody of the ninth defendant; then the Moozoomdar, who saw and heard my said sufferings with pity, paid himself 3¼ rupees for the arrears in demand, and promised to pay the rest from his next pay. Not only I was thus tortured by the defendants for the arrears due by another, my tenant was also subjected to both the torture and loss of 150 rupees, in consequence of his house having been destroyed by fire, and his cultivation neglected during the time he was in custody, and in his way to inform me of what had happened to him. On my complaining to the Hoozoor against the defendants for their torturing me and my tenant, to whom was thereby caused such a severe loss, the Hoozoor, unnoticing my petition hitherto, referred it now to the said tasildar's inquiry, and it is left to the judgment of your Honors, that how justice can be rendered to me by that functionary.

6. Consequently it is requested, that after a thorough inquiry of the matter of this petition, your honours will take pity on me, and issue orders to the effect that the sum which is due to me by the said seventh defendant, both on account of kist and sawmy bogum, should be paid to me; and my said tenant and myself should be compensated both for the personal and property damages alluded to in the above.

Witnesses,—Bashcaravien, residing at Cushbah Soarnamadavee, Sangara Koottalum Pillay, Kooppen Pillay, Appooda Naicken Pillay, Terooviam Pillay, Ananta Narrainen, Karoor Valoy ooden Pillay, Aroomooga Pillay, Dayevo Naiken Pillay, of Tinnevelly, Anunda Row Indvee, goomastah of the talook, Sadasiva Row, head goomastah, Narraina Pillay, Sumpretee Kallacoorhee Vencatasien, and others.

4 January 1855. (signed) *Kylasam Pillay.*

Tanslated by T. Teroovengadachary.

(No. 811.)

FORWARDED to the magistrate of Tinnevelly for personal inquiry and disposal, and report.

Fort St. George, 8 June 1855. (signed) *W. Hudleston,*
Deputy Secretary to Government.

Fort St. George.

EXTRACT Fort St. George Judicial Diary to Consultation of 28 August 1855.

RECEIVED the following letter:

(No. 169.)

From *C. J. Bird*, Esq., Magistrate, to *T. Pycroft*, Esq., Chief Secretary to Government, Fort St. George.

No. 10.

Sir,

Para. 1. IN returning Petition, No. 811, bearing the endorsement of Government, I have the honour to report that the joint magistrate inquired into the complaint of torture therein preferred, and convicted the tahsildar of Sharenmadavy and six of his peons, the former of having ordered the latter, and them of having obeyed the order to maltreat the petitioner, "but not in any way to cause him any severe or bodily injury, or that would have caused him more than temporary inconvenience," and considered it "very doubtful whether a stone was placed on his back or not." The tahsildar was sentenced to pay a fine of 20 rupees, and the peons fines of three rupees each, or in default to suffer one month's imprisonment.

2. In a separate letter, the joint magistrate says, "as the amount of ill-treatment alleged to have been sustained by Kylasem Pillay is proved to be greatly exaggerated, I beg to recommend that the sentence of dismissal which should be passed under para. 9 of Government Circular, dated 7 June 1855, be not carried out, as I am certain that the punishment awarded will effectually prevent the recurrence of such practices."

3. The proceedings of the joint magistrate having been reviewed by the sessions judge of Tinnevelly, that officer coincided with the joint magistrate in the conviction of the peons, but annulled that part of his sentence which convicted the tahsildar, and directed that the fine imposed upon him should be refunded.

4. Under these circumstances I have the honour to solicit the instructions of Government, whether the peons who stand convicted should be discharged or not.

I have, &c.
(signed) *C. J. Bird*, Magistrate.

Tinnevelly, Teucansey, 10 August 1855.

(No. 600.)

No. 11.

IN consideration of the recommendation made in favour of these peons, who were probably only instruments in the hands of others, the Governor in Council will not insist upon their dismissal, but directs that, in addition to the fine imposed upon them, they be suspended from pay and duty for six months, at the expiration of which time they may be re-employed.

Fort St. George,
27 August 1855.

(True extracts.)

(signed) *Geo. Taylor*,
Acting Deputy Secretary to Government.

EXTRACT Judicial Letter to Fort St. George; dated 17 December (No. 19) 1856.

62. WE are of opinion that the punishment inflicted by the magistrate upon the tehseldar and his subordinates was very inadequate. The conviction recorded against the tehseldar, however, has been set aside by the session judge; otherwise we should have ordered his immediate dismissal from office. We are at a loss to discover from the proceedings reported to us, upon what grounds the session judge remitted the fine on the tehseldar, whilst he upheld the conviction against the peons, who, it is stated, only obeyed the orders of their superior officer.

Letter from, dated 10 April (No. 9) 1856.

(32). Complaint of ill-usage by one Wylasa Pillay against the tahseeldar of Brahmadasew and his peons, in Tinnevelly. The dismissal of the peons not insisted on, but their suspension from pay and duty for six months, in addition to the fine imposed on them, directed.

Fort St. George.

— No. 3. —

By the Tehsildar of Periapoliem, on certain Weavers of that District.

Judicial Department, 10th June (No. 19) 1856.

To the Honourable the Court of Directors of the East India Company.

Honourable Sirs,

1. Immediately on the receipt of your despatch in the Public department, dated 25th April 1856, No. 19, we called on the collector and magistrate of Chingleput, to submit the original documents required by the Right honourable the House of Lords, in the case of torture alleged to have been inflicted by the tehsildar of Periapoliem on certain weavers of that district; and we at the same time desired the judges of the Foujdaree Udalut, to forward the calendar of the magistrate disposing of the complaint preferred by the weavers against that functionary, together with any proceedings in review of the case which may have been held by themselves or by the session judge. In Rev. Cons. 27 May 1856.

2. We have now the honour to submit copies and translations of the undermentioned papers, and to solicit your attention to the letter from the Collector of Chingleput, dated 5th instant, forwarding the order of the 5th July 1855, and explaining the circumstances connected with the whole case, as well as to the letter from the register of the Foujdaree Udalut, dated 2d instant, as to the proceedings taken by that Court in the matter.

From Foujdaree Udalut, 2d June 1856, No. 26, with the following enclosures:

No. 1. Calendar of persons punished by the magistrate during the last quarter of 1855.

No. 2. Extract Proceedings of the Session Court, dated 18th February 1856.

No. 3. Letter from the Register of the Foujdaree Udalut to the Session Judge, 17th May 1856.

No. 4. Reply of Session Judge, 28th May 1856, with a letter from the Magistrate enclosed.

From the Session Judge of Chingleput, dated 4th June 1856, with two enclosures:

No. 1. Tamil record, consisting of nine documents, of the case of torture tried by the Magistrate of Chingleput, with translations of same, made by Government Translator.

No. 2. Original Petition of the Weavers, dated 1st August 1855.

From the Collector of Chingleput, 5th June 1856, No. 3, with six enclosures: viz.:

Extract Proceedings of Session Court of Chingleput, in a case which occurred in St. Thomas's Mount in 1854.

Report of persons punished in 1854, by Mr. Shubrick, when acting Principal Assistant Magistrate of Vizagapatam.

Report of persons punished in 1845 for extortion, and abuse of authority, by Mr. Shubrick, acting Principal Assistant Magistrate.

Urzee or Address from the Tehseldar of Peddapollium to the Collector of Chingleput, dated 2d July 1855.

Takeed or Order sent by the Collector to the Tahsildar, dated 5th July 1855.

Also, Copy of a Letter from the Magistrate of Chingleput, referred to in the above letter, dated 21st December 1855, with Extract Minutes of Consultation in the Judicial Department, 10th January 1856, No. 29.

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Letter from Collector and Magistrate of Chingleput, dated 9th June, forwarding copy of sentence passed by him in a case of torture while Special Assistant in Vizagapatam.

We have, &c.
(signed) *Harris.*
Walter Elliot.
Fort St. George, 10 June 1856. *H. C. Montgomery.*

P.S.—Since the above was written, we regret to find that it has not been possible to complete the translations of the vernacular documents in time to admit of their being sent by this mail. They will therefore be forwarded by the next mail.

Judicial Department, No. 20 of 1856.

To the Honourable the Court of Directors of the East India Company.

Honourable Sirs,

With reference to the postscript to our letter to your Honourable Court of the 10th instant, No. 19 of 1856, we have the honour to transmit translations of the vernacular papers connected with the complaint of torture preferred against the tehsildar of Periapoliem, in the district of Chingleput.

We have, &c.
(signed) *Harris.*
Patk. Grant.
Walter Elliot.
Fort St. George, 21 June 1856. *H. C. Montgomery.*

Revenue Department, No. 17 of 1856.

To the Honourable the Court of Directors of the East India Company.

Honourable Sirs,

We have the honour to submit for your information copy of a letter from the Board of Revenue, dated 15th May last, giving cover to copy of correspondence on the records of their office, relating to a case of torture in the Chingleput district, together with copies of minutes recorded by the Right honourable the President and by the Honourable the members of Government, and an extract from the minutes of consultation containing the views of Government on the subject. The Board placed these papers before us in consequence of having observed in the newspapers of the day an allusion made to the subject by Lord Albemarle in the House of Lords, and in anticipation of a call from us for them.

2. It will be observed from this correspondence that extracts from the memorial of the Madras Native Association having appeared in the "Spectator" newspaper of the 13th March, the Board of Revenue called on the Collector of Chingleput for an explanation of the circumstances. The result of this inquiry is shown in the documents forwarded, but we have not deemed it necessary to express any opinion on the subject, because the order of the Board of Revenue appeared sufficient in all the main points of the case, and because the case had not come before Government in such a shape as at all to require an order. In the usual course of business indeed it would not have come before Government at all, but considering it very desirable that in future Government should exercise supervision in such matters, we have directed the Board of Revenue to issue orders to the several Collectors and magistrates, and through them their subordinate officers, requiring that in all cases of alleged torture henceforward either in the Revenue or Police department, copies of the plaints and of all proceedings thereon shall be sent up to Government without delay.

3. We

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3. We must however record our firm belief that nothing short of the measures already recommended by us to the Supreme Government for the improvement of the administration, can render it possible for this Government to put a stop to the practice of resort to illegal coercion in revenue and police matters, and particularly in the latter. Among those measures, we would more especially refer to the abolition of the moturfa taxes, the re-adjustment of the assessment on the land, the reorganization of the police, and the more extended employment of uncovenanted agency, all which were brought under the notice of the Government of India, and eventually under that of your Honourable Court on the dates noted in the margin.*

Public despatch, 12 Sept. 1855, No. 44, para. 17.

4. In your review of the Report of the Commissioners appointed to investigate cases of torture, your Honourable Court remark that we must chiefly look to the spread of education and to the general improvement of the habits and feelings of the population to the eradication of this detestable practice. This is true; but there can be no doubt, that if the circumstances of the taxpayers and of the tax collectors are improved, a much more rapid change in the habits of the population may be anticipated than can otherwise be looked for. The measures proposed for this object more particularly alluded to above, have long since been recommended by us, but as yet we have received no orders, nor has any notice been taken of those recommendations by superior authority; it is however most important at the present time that this Government should be vested with power to act on them at an early period, and we beg again to press on your earnest attention those measures of reform previously suggested by us.

Ex. Min. Cons. 14 Aug. 1855, No. 951, paras. 28 and 29.

5. The Honourable Mr. Elliot, it will be observed, considers the measures proposed, desirable as they are, to be insufficient to check the practice as regards the Revenue department. One of the greatest evils of the present fiscal administration, he remarks, consists in the settlement of the demand annually, which necessitates frequent inspections of the lands under cultivation, and interference with the cultivators by the ill-paid subordinate officials; and he suggests as an alternative, a settlement with the ryots for terms of years, whereby the whole class of inferior servants now employed in the examination of details may be dispensed with. We do not deem it necessary to go into the question raised by Mr. Elliot, as although we fully concur in the advisability of preventing as far as possible the constant interference of officials with the occupiers of the soil, and our plan of a revenue survey and re-assessment comprehends measures designed with that view, we are not prepared to discuss the merits of the change suggested, especially when doubting the feasibility of bringing the plan directly and at once into operation. We refer you more particularly to the views expressed on this point in his Lordship's minute of the 31st May.

We have, &c.
(signed) *Harris.*
Walter Elliot.
Fort St. George, 10 June 1856. *H. C. Montgomery.*

To *C. J. Shubrick*, Esq., Collector of Chingleput, &c. &c. &c.

The humble Petition of the undersigned Weavers of Commarapettah, of the Periapallum Talook in the Zillah of Chingleput.

Humbly showeth,

That the subject of their petition is such as to require your mature deliberation, and deserving of the redress for which they now pray. The subject of torture is one

* To Government of India, 26 May 1853, No. 572; to Government of India, 14 August 1855; to Honourable Court, 11 October 1855, No. 44; to Government of India, 14 August 1855, No. 31; to Honourable Court, 20 October 1855, No. 32; to Government of India, 13 August 1855, No. 949; to Honourable Court, 25 September 1855, No. 42.

Fort St. George.

one which has excited so much attention lately, as to call for a special commission to investigate it; notwithstanding it is still resorted to to enforce a demand which your humble petitioners submit is not just.

Before the expiration of Fusly 1264, which came to a termination on the 30th June last, the tasildar, zilladar, peons, &c., whose duty it is to collect the revenues, came to your humble petitioners and demanded the payment of the kist. But on that occasion, though your humble petitioners pleaded poverty, the Circar servants above named pressed them so much as to extort from them bribes, on which consideration they allowed your humble petitioners a short respite. Your humble petitioners believed that the respite would continue sufficiently long to enable them to procure the necessary amount to meet the demand against them; but, on the 27th ultimo, the tasildar of the Pareapollum talook sent eight peons to bring your petitioners to his presence; fourteen of them arrived at their destination on Friday morning, at about eight o'clock. when they were abused and otherwise maltreated. They were made to stand the whole day exposed to a burning hot sun. You are aware of the excessive heat which prevailed lately, even within doors; you can easily judge, therefore, what their pain must have been while exposed to the sun. Their thighs were pinched in a most painful manner. They were made to stoop down, and while in that posture they had to bear the weight of one man on the back of each. Some of them were knocked down upon a dung-hill hard by, and they were designedly besmeared all over with cow-dung, which emitted a most offensive smell, very distressing to bear. All this, and many other modes of annoyance, they had to suffer from early in the morning till 10 o'clock in the night; all which time they were made to starve, denying them even a drink of water to slake their thirst. When their meals were brought to them, they allowed them at 10 o'clock in the night to eat, but for that purpose they assigned them a place which is used as a privy. They remonstrated long and earnestly, and they were at last allowed to go away under the surveillance of peons. The following day being Saturday, 28th ultimo, the tasildar took them to their own village, and bringing with him a great many people to assist and defend him, repeated the same outrages upon them, but with greater cruelty and malice. At this time, so great were their sufferings, that one man, compassionating the pitiful state of bodily and mental anguish to which the unfeeling and fiendlike tasildar had reduced them, voluntarily offered to pay the money claimed; but of course the honest tasildar rejected the offer with indignation and scorn, and got him turned out of his presence. The little money which they had, had been taken from them, taxing them with the payment of batta to the tasildar and his myrmidons during the days they were engaged in all the sharp practices above described, though but in part.

Remark by the Session Judge—This is not alluded to in the depositions on oath.

Remark by the Session Judge—This is not alluded to in any way in the depositions on oath, nor has this part of the charge which refers to the 27th July been investigated.

Remark by the Session Judge—Not so by the depositions on oath.

Under these circumstances, as they really have no money, and it is not possible to draw blood out of a stone by any process short of miracle, your humble petitioners humbly and earnestly solicit that they may be allowed a reasonable time to pay their dues, and be mercifully secured from the clutches of the tasildar and his assistants; so great was the cruelty they endured, that many of them are suffering till the present day, and unable to stir from their houses; they are suffering besides from the want of means of support, being separated from their families and other sources of assistance; many have even left the village and absconded, and it is highly questionable if they will ever return; they therefore beg that they be allowed a short respite till they are capable of finding the wherewithal to satisfy the kist.

Remark by the Session Judge—On oath it is stated they had no marks even of violence.

For which act of benevolence your petitioners, as in duty bound, shall ever pray.

[Here follows eight signatures in the native character.]

1 August 1855. (signed) *C. J. Shubrick.*

Fort St. George.

DEPOSITION given before the Magistrate by Sowduppen, son of Chengulva Chetty, of Rolluppady, in support of the complaint preferred by him for himself and five others, including one Ragava Chetty, against the Tasildar.

Oath was administered according to the Act.

Q. State the circumstances about which you and others have preferred a complaint against the Tasildar of Pareyapalayem?—*A.* I do not recollect the date, but on a Friday in the month of Audy, the peon Moonesawmy, and the duffadar Mookoonda Naicker came to my village,* and saying that the tasildar wanted us, took us, and left us before the Tasildar Seenevasarow at Pareyapalayem. The persons who so appeared before the tasildar were Vencuttaisun, Naul Gooroonappen, Naul Moonesawmy, a substitute peon, Chengulvaroyen, Naul Boady Chetty, Naul Bedoo Chetty, Naul Veerasawmy, Yerra Sooboo Chetty, Canttum Vailrooloo, Vencattasawmy, Veeramooshtemoottoo and Naul Gooroonuppen and myself. As soon as we went to the tasildar, he asked us to pay the balance of the loom-tax. We promised him to pay the sum of 50 rupees. He said that half of the balance due by the whole village, 100 rupees and upwards, must be paid. We told him that we had no means to pay it then; at which the tasildar ordered us to be kept in a bowing posture in the sunshine. It was about eight o'clock in the morning. The peon Moonesawmy Naicken and Moockoonda Naicken came and kept us all to be stooping down in the sunshine in the street, in front of the Chetty Chuthum, in Pareyapalayem. We were stooping down in the same posture till eight o'clock at night. We were not allowed to take our meals. When we asked leave to go to take our food, he told us to go after paying the money. We were allowed to go and take our meals about 10 o'clock at night. We took our food, and remained in the cutcherry, under the custody of the peons. On the next morning, we were carried to Rolluppady, and forced to stand in the sunshine in the street of the village moonsiff. At about four o'clock in the evening, he ordered the peons to pinch us on our thighs. The peon Moockoonda Naicken held both of my hands; a Mooselman peon, whose name I do not know, pinched my thigh; Moonesawmy Naicken gave me a blow on the neck. Ebooram and some other peons, whose names I do not know, joined together, and treated me as stated above. They let us go after we paid the money. None of us were wounded (*i. e.* had marks of violence upon our persons).

* Rallapoody.

Remark by the Session Judge—Quite impossible.

Remark by the Session Judge—These names do not correspond with those mentioned by Cowden.

How did you pay the money at the time?—Our females being unable to endure seeing us ill-treated, disposed of the articles in their houses, by sale and mortgage, and brought and gave us money, and we paid it.

What did the peon Audum Kan do?—He ill-treated Soobhoo Chetty.

(marked) *Sowduppen.*

Solemly affirmed before me, this 23d day of August 1855.

(signed) *C. J. Shubrick.*

DEPOSITION given before the Magistrate of Chingleput by Vencattasawmy, Son of Vunneappen, of Coomarapettah of Mootteryah; Caste, Vistnoo; sect, a Cultivator; and aged about 40, and a Witness.

Oath was administered to him according to the Act.

Q. Sowduppen and others have preferred a complaint, stating that they were ill-treated by the tasildar of Pareyapolayem in collecting arrears of tax; state what you know of the truth of the matter?—*A.* I do not recollect the date and month, but 10 days ago, about noon, there was a noise near the house of Navoo Gooronuppa Chetty, the village moonsiff, situated at a little distance in front of my house. I looked at this standing in the street of my house. The tasildar was holding cutcherry at the time on the outer pyal of the said Gooroonuppa Chetty's house.† In the front of the house, and at the distance of 10 fathoms in the street, there were kept more than 10 persons in number, stooping down in the

† Remark by the Session Judge.—This was at Rollapoody.

Remark by the Session Judge—These complainants were inhabitants of his village.

the sunshine. I did not know who they were, but I saw Sooboo Chetty and Ragava Chetty, now before the (magistrate) court, stooping down among them. Peons were pinching the said two individuals on their thighs, at two peons to each. They cried out, alas! alas! I did not know the peons that pinched them, nor did I see the other persons being ill-treated by the peons, as stated above, for I went away afterwards; nor did I hear the tasildar order the peons to conduct themselves in the above manner. Many females and children were looking on at the time in the street; nor did I see the village moonsiff Gooroonuppa Chetty present there.

Remark.—The tasildar had no question to put to the deponent.

(marked) *Vencattasawmy.*

Solemly affirmed before me, this 23d day of August 1855.

(signed) *C. J. Shubrick.*

Deposition given before the Magistrate of Chingleput, by Cundum, Son of Aundeappen of Rollapandy, of Palayagar; caste, Vishtnoo; sect, a Peon; and aged about 30 years, and a Witness.

Oath was administered according to the Act.

Q. A complaint has been preferred by Sowduppen and others now before the (Magistrate) Court, stating that they were ill-treated by the tasildar of Pareyapoluyem, on account of some arrear of rent due by them. State what you know of the truth of the matter?—*A.* About 20 days ago, one morning about six o'clock, I and one Venguppa Chetty, went to the house of Gooroonuppa Chetty, opposite to that of another Gooroonuppa Chetty, the village moonsiff of Rollapady, for asking a debt due by him. The tasildar of Pareyapalayem was holding his cutcherry at the same time on the street pyal of the house of the said village moonsiff. Sowduppa Chetty and others, now before the (Magistrate) Court, were kept in a stooping posture in the street of the said house. The peon Moonesawmy Naicken, and Mookoonda Naicken, whom I now point out, were with the complainant and others at the time. Some other peons, whose names I do not know, were in the act of bringing and leaving there certain individuals. When Mootooneerummal, the wife of Gooroonuppa Chetty, to whose house we went, handed over then a "rettaygoondattegay," or a neck ornament, to Venguppa Chetty, saying that her son also was undergoing an ill-treatment for a balance, and requested him to get and give money for it. The said Venguppa Chetty received the jewel, and went to the tasildar, and told him that he would pay money within three days to the person to whom it may be ordered to be given; that the said persons should therefore be set at liberty, and that he would mortgage the said jewel till that time. The tasildar said that he was not a merchant, and told him to go away. The said persons were kept in the same posture till the noon; and when the tasildar went to take his meals, he let the complainant and others go to take their food. On the return of the tasildar, after taking his meals, the complainant and others were again made to stoop down in the street as before; and the tasildar bade his peons pinch their thighs. the peon Moonesawmy and Mookoonda Naicken pinched Sooboo Chetty, Ragava Chetty, and Sowduppa Chetty, each at their thighs; and it was after they had agreed to pay the money they were set at liberty. I did not see the peons pinch the other persons' thighs. All were set at liberty after they paid the money. The village moonsiff Gooroonuppa Chetty was with the tasildar.

Remark by the Session Judge—This does not correspond with Venguppa Chetty's statement.

Remark by the Session Judge—*Vide* complaint.

(marked) *Cunden.*

Remark.—Tasildar had no question to put to the deponent.

Solemnly affirmed before me, this 23d day of August 1855.

(signed) *C. J. Shubrick.*

Fort St. George.

DEPOSITION given before the Magistrate of Chingleput, by Vencattachella Chetty, son of Angoo Chetty, of Mungalum, of Chetty caste, Vistnoo sect, a merchant and a cultivator, and aged about 40 years, and a Witness.

Oath was administered to him in accordance to the Act.

Q. A COMPLAINT has been preferred by Sauduppen and others now before the (magistrate) Court, charging the tasildar of Pareyapolayen with having ill-treated them in the collection of balance of revenue. State what you know of the truth of the matter?—*A.* About a month ago, *i. e.* in last month, I went to the house of one Gooroonuppa Chetty, which is opposite to that of the village moonsiff, in Rolluppady, to demand payment of the balance of a debt. When the wife of the said Gooroovauppa Chetty told me that the tasildar had pressed her for payment of a balance of the tax on loom, and desired me to get and give her some money, I said I had no money, at which she gave to me an addeay, or neck ornament, which I gave to another person, and getting from him seven rupees, gave the same to her. She gave that sum to the cirkar, through her son Chungely, and got him set at liberty. Some other females in the village came and told me that their husbands were undergoing ill-treatments, and that money should be paid for it. I went and saw the tasildar holding cutcherry on the street pyal of the village moonsiff's house. The complainants and others were placed in a stooping posture in the sunshine in front of it. Peons were beating those who refused to keep in a stooping posture. I do not know the names of those peons; they are not present here. I did not see the peons now before the cutcherry beat any one. I went and told the Curnum Palayutta Pillay that I would deposit certain gold ornaments as security for the payment of the money. I offered myself to be answerable, and also promised to bring and pay the money in course of three days. On which the said Curum and Audumkan went and informed the circumstance to the tasildar, when the tasildar bade me go away. Afterwards I went to take my meals and returned; the tasildar also went for the same purpose. On his return, after taking his meals, he ordered the peons to pinch the complainant and others on their thighs. In obedience to his said order, the peons, three or four in number, joined together and ill-treated the complainant and others, who were exposed to the sunshine; two of them (peons) pinching their thighs, one seizing hold of their hands, and one giving blows on the neck and pressing them down. I do not know the names of those peons; they are not present here. Owing to the above ill-treatments they disposed of their jewels, and articles, &c. by sale and mortgage, and paid the money. The village moonsiff continued coming and going. The peon whom I now point out, named Moonesawmy, was ill-treating the complainant and others, in company with the other peons. The complainant and others were not sent to take their food till the evening.

Why was not the woman examined?

This does not correspond with the statement of Cundun.

He said before none of the peons were present.

Cunden states they were allowed to go about noon and take their food.

Remark.—The tasildar had no question to put to the deponent.

(signed) *Chuckaray Vencattachella Chetty.*

Solemnly affirmed before me, this 23d day of August 1855.

(signed) *C. J. Shubrick.*

(No. 2.)

Before the Magistrate of Chingleput.

I, SAVOODUPPEN, son of Rallapandy Cheagulva Chetty, hereby depose, on behalf of myself, Ragava Chetty, and four others, residing at Rallapandy, regarding the complaint preferred by us against the Tehsildar.

Sworn according to the Act.

Q. RELATE in detail the circumstances what took place in the matter of the complaint preferred by yourself and others against the tahsildar of Periapolliam talook?

 —*A.* I do

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—*A.* I do not recollect the date, but on a Friday, in the month of Andee, peon Mooncsawmy and Duffadar Mookoondoo Naik came to our village, and saying that the Tahsildar Sreenwassa Rao, who was at Periapolliam, wanted us, carried us before him.

The persons who so went before the tahsildar were myself, 1; Vencatasew, 1; Nabn Gooroouppa, 1; Nabn Moonesawmy, 1; Chengulwyen, 1; Nabn Potte Chetty, 1; Naboo Beeke Chetty, 1; Naboo Veerasawmy, 1; Yerra Soobboo Chetty, 1; Cotton Vennilu, 1; Vencatasawmy, 1; Veeramooshtee Mootoo, 1; Nabn Gooroovuppa Chetty, 1. As soon as we arrived the tahsildar ordered us to pay the balance of the loom tax. We said we would pay 50 rupees; but the tahsildar said that we must pay a moiety of the amount; viz., 200 rupees and odd, due for the whole village. When we replied that we were not then able to do so, he ordered us to be placed in a stooping posture in the sun. It was about eight o'clock in the morning when the peon Moonesawmy Naik and Mookoondoo Naikcame and made us all stoop in the sun, in the street, opposite to Chetty's choultry, in Periapolliam; we were in the same stooping position until eight in the evening. They did not even let us go to our meals; when we asked leave to go to our meals, they said that we could go after we had paid the money. At 10 o'clock at night we were sent to our meals, and when we had finished, we were placed in the cutcherry, under the custody of peons. On the next morning we were taken to Rallapandy, in the same manner, and made to stand in the sun in the street in which the moonsiff's house is situated; and, moreover, at four in the evening, he (the tahsildar) ordered the peons to pinch us on our thighs. The peon, Mookoonda Naik, took hold of both of my hands; a Moosulman peon, whose name I do not know, pinched my thighs; and Moonesawmy Naik thumped me on my neck. These and some other peons, whose names I do not know, combined, and treated us all as above described. After we had paid the money they set us at liberty. None of us received any wounds.

Q. Whence did you obtain the money that you paid?—*A.* Our females, unable to bear the sight of our sufferings, sold and mortgaged the chattels in the house, and brought us the money, which we accordingly paid.

What did the peon, Adam Khan, do?—He ill-treated one Soobboo Chetty.

(Mark of) *Savoodappa Chetty.*

Solemnly affirmed before me, this 23d day of August 1855.

(signed) *C. J. Shubrick.*

(No. 3.)

To *C. J. Shubrick*, Esq., Magistrate of Chingleput.

URZEE humbly addressed this 23d August 1855, from Sydapet, by C. Sreenooassa Rao, Tahsildar of Periapolliam Talook.

I WAS surprised when I saw the hoozoor order, No. 136, dated 17th instant, and beg to make the following representation on the subject therein alluded to; a perusal of the same will convince your Honor of the true state of things.

Arrears of the loom tax for Fusly 1264 last, amounting to 210 rupees and odd, having been due by certain individuals in Rullapully village, attached to this talook, I called upon the defaulters personally several times, both before and after the expiration of Fusly 1264 to pay up the said arrears; and also sent takeeds to the zilladar and watching peon to collect them; but the defaulters, although the year had expired together with a month of the new Fusly 1265, had not paid the arrears within the time within which they had promised to do so. I therefore sent a strict order to the zilladar of the locality to collect them, and he and the watching peons made a report, stating that, upon their demanding the balance, the weavers had agreed to pay 50 rupees, of which 30 rupees in cash had been realised; that the zilladar had left orders with Nanboo Gooroovuppa Chetty, the putta maneagar, and the moonsiff of the said village, to levy and remit the remainder; that the said maneagar had accordingly collected the remainder, and applied it to his own private use, and

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and suggesting that he should be examined and punished. Thereupon I went to Periapolliam on the 27th June, and having examined and taken depositions from the moonsiff and puttah maneagar, Nanboo Gooroovuppa Chetty, and from some others who owed balances, I addressed an urzee on 2d July 1855, and requested an order permitting me to punish the said moonsiff for having misappropriated about 30 rupees which had been realised, and to recover the said sum from him by distress on his property. In reply to this, I received an order, dated 5th July 1855, directing me to proceed immediately to the said village, and collect the arrears; and stating that a further order would be issued regarding the punishment of the moonsiff. Pursuant to this takeed, I went to Periapolliam on 27th July, and after sending for the weavers who owed balances of the loom tax, their village, Rallapully, being in the immediate vicinity, demanded them to pay up what was due; but they requested to be allowed 10 days more, on the ground of their inability to pay the money. I refused, however, to give them further time, explaining that the fusly as well as a month of the new year had elapsed, and that they must therefore pay it up at once. I then ordered the acting duffadar, Mookoondoo Naiken, and peons Moonesawmy, Jayram, and Adam Khan, to collect the money from the defaulters; but none paid the money in that village, and most of them said that if they went to their own village they would produce it. Thinking that if I went to their village, Rallapully, and did my best, the balances would be realised, I proceeded there the next day, 28th July, with my cutcherry, and on my insisting upon payment being made, they all, with the exception of a few, discharged their balances before evening. About 160 rupees were collected; but certain others, against whom there was a balance of 50 rupees, concealed themselves; those who paid took leave, and instantly went away. After remitting the money collected, I went the next day, 29th, to Chinnamadoo with my cutcherry, to collect others' arrears of revenue. This is what really took place, as I had collected arrears which they had delayed paying, because they thought that the Government were about to abolish the loom tax; and as I had addressed an urzee to your Honor on the 8th August, requesting that the said moonsiff and puttah, and maneagar, who belongs to the weaver caste, might be punished for having embezzled the 30 rupees and odd he had collected; entertaining enmity against me, and instigated by certain evil-disposed persons, they have preferred this false charge, alleging things that never occurred, and this with no other view than to bring me into disgrace. I did not order the complainant and others to be kept in the sun in a stooping position, nor thighs to be pinched, as they were standing in the place where I was holding my cutcherry; the peons certainly did not do so. The complainants have bribed some coolies to give evidence in the case. These facts will be evident to your Honor if you peruse the urzee above mentioned, which I have addressed to you at different times. If necessary, your Honor can examine, as witnesses for my defence,—

1st. Palayetha Pillay, another puttah maneagar of the said village.

2d. Koodookhan Sahib, a hoozoor delayet. And,

3d. Peons Jayram, who were then present at the time, and will fully prove the charge to be false.

(signed) *C. Sreenevassa Rao*, Tahsildar.

(signed) *C. J. Shubrick*.

(No. 4.)

Before the Magistrate of Chingleput.

Deposition given by me, witness Conden, son of Audeappen, aged about 30 years, of Poleagar caste, Vishnoo sect, living by service, and residing at Rallapandy.

Sworn according to the Act.

Q. Savooduppen and others, who are now before the Court, have preferred a complaint against the Periapolliam tahsildar of oppression in collecting the balance due by them; state the true facts, as far as you know them?—*A.* About 20 days

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20 days ago, on a certain day, at six in the morning, myself and one Venkuppa Chetty went to Rallapully, to the house of one Gooroovuppa Chetty, opposite to that of another Gooroovuppa Chetty, the moonsiff, to collect a certain debt, when the tahsildar of Periapolliam was holding his cutcherry on the street pial of the moonsiff's house; Sauvoduppa Chetty and others now before the Court were bent down in a stooping posture in the street of the moonsiff's house. The peons Moonesawmy Naiken and Mookoonda Naiken, whom I now point out, were there with the complainant and others, and besides them some other peons, whose names I do not know, brought certain other individuals, and left them there. Moottooveerummal, the wife of Gooroovuppa Chetty, to whose house we went, came, saying that her son also was being ill-treated on account of a balance, and brought an ornament called "Rettagoondoo Addegay," requesting us to lend her some money upon it. One Venkaya Chetty took the ornament, and went and told the tahsildar that he would undertake to pay the balance due by certain individuals in three days, and requested that they might be released, and offered to deposit the ornament till then; thereupon the tahsildar told him to go away, saying he was not a merchant, and after detaining the complainant and others until now, he then went to his meals, and sent the complainants to theirs also; after the tahsildar had returned from his meals, the said complainant and others were again placed in the street as before. The tahsildar also ordered the peons to pinch their thighs: hereupon the peons Moonesawmy and Mookoondoo Naiken began pinching the thighs of Sooboo Chetty, Ragava Chetty, and Savoodiah Chetty, each pinching one leg, until they agreed to pay the balance, upon which they let them go. I did not see the peons pinching the other individual's thighs. They were all released after paying the balance.

The moonsiff Gooroovappa Chetty was with the tahsildar.

(marked) *Condcn.*

Note.—The tahsildar has no questions.

Solemnly affirmed before me this day, the 23rd day of August 1855.

(signed) *C. J. Shubrick.*

(True translation.)

(signed) C. F. Chamier,
Tamil Translator to Government.

(No. 5.)

Before the Magistrate of Zillah Chingleput.

Deposition given by me, witness Vencatasawmy, son of Nyniappen, aged about 40 years, of Moottria caste, Vishnoo sect, living by cultivation, residing at Commarapet.

Sworn according to the Act.

Q. State the truth, as far as your knowledge goes, in the matter of the complaint of oppression, in the collection of arrears of rent, preferred against the tahsildar of Periapolliam, by Savooduppen and others now present in Court?—*A.* I do not recollect the month and date, but about ten days ago, one day a little before noon, there arose a noise near the house of the moonsiff Nara Gooroovuppa Chetty, situated a little distance opposite my house. I stood and looked from my side of the street, and saw the tahsildar holding cutcherry on the pial of Gooroovuppa Chetty's house. In the front, at a distance of about 20 yards, more than ten persons were kept in a stooping position in the street, exposed to the sun. I did not know who they were, but I observed that Soobboo and Rasappa Chetty, who are present in Court, were among the number kept in that posture. Each of these persons was being pinched on both his thighs by two peons, and was crying out, "Ayo! ayo!" I did not know the peons who were pinching them. I did not see any other persons ill-treated by the

the peons as above stated. I then went away. I did not hear the tahsildar order the peons to act in the above manner. At that time there were many women and children in the street witnessing the scene. I did not see the moonsiff Gooroovuppa Chetty there.

(Mark of) *Vencatasawmy.*

Remark.—The tahsildar has no questions.

Solemnly affirmed before me, this 23d day of August 1855.

(signed) *C. J. Shubrick.*

(No. 6.)

Before the Magistrate of Chingleput.

Deposition given by me, witness, Vencatachella Chetty, son of Ankoo Chetty, aged about forty years, of the Chetty caste, Vishnoo sect, earning my livelihood by trade and cultivation, and residing at Mangolum.

Sworn according to the Act.

Q. State the truth, as far as your knowledge goes, in the matter of the complaint of oppression in the collection of arrears of rent, preferred against the tahsildar of Periapolliam, by Sadayeppen and others now present in court? —*A.* About a month ago in last month, I went to Rallapandy to realise a debt, and visited Paedevy Gooroovuppa Chetty's house, which is situated opposite the moonsiff's. The said Gooroovuppa Chetty's wife came and asked me to lend her some money, saying that the tahsildar was oppressing her son for payment of balance of the loom tax. I replied that I had no money; she then gave me an ornament called "Addegay," which I mortgaged to a third person, and obtaining seven rupees I gave them to her; she took the money and gave it to her son Sengaly and got him liberated, after the sum had been paid to the Circar. Some other females also came and asked me entreatingly for money, saying, that their husbands were being ill-treated. I went to see. The tahsildar was holding his cutcherry in the street pial of the moonsiff's house; the complainants and others were placed in a stooping posture in the sun, and the peons were beating such as refused so to stoop. I do not know the names of the peons; they are not here, nor did I see the peons who are now present beat them. I went and told the Curnum Paleatha Pillay who was there, that I would deposit a gold ornament, as security, on behalf of certain individuals, and that in two or three days I would bring and pay the money due by them. Upon the said Curnum and one Adam Khan going and mentioning this to the tahsildar, the latter ordered me to go away. I then took my meals and returned, which the tahsildar did also; he then ordered the peons to pinch the thighs of the complainants and others; accordingly three or four peons came together, and two pinched the thighs of the complainants and others individually, while standing in the sun, while one caught hold of their hands, and the remaining one thumped and pressed down their necks. In this manner they oppressed them. I do not know the names of these peons, nor are they here. After they had been thus maltreated they mortgaged or sold their ornaments and other articles, and paid the balance, after which they were released. The village Moonsiff frequently visited the spot whilst all this was going on. The peon Moonesawmy, whom I now point out, was also oppressing the complainants, &c., together with the other peons. The complainants and others were not sent to their meals till the evening.

(signed) *Suckary Vencatachella Chetty.*

Note.—The tahsildar has no questions to put.

Solemnly affirmed before me, this 23rd day of August 1855.

(signed) *C. J. Shubrick.*

(True translation.)

(signed) C. F. Chamier,
Tamil Translator to Government.

Fort St. George.

LETTER from Seenevasa Row to *C. J. Shubrick*, Esq., Magistrate of the Zillah of Chingleput.

URZY, dated 23d August 1855, Sidapetta, and submitted by Seenevasa Row, the Tasildar of Pareyapolayem.

I RECEIVED your takeed, No. 136, dated 17th instant, and the following explanation in answer thereto will convince you with the truth of the case:

There having been a balance of moturfa, or loom tax, of 210 and odd rupees due in the village of Rallapody, in the said talook, for Fusly 1264, orders were given in person to the defaulters at several times, both before and after the expiration of the said fusly, to liquidate the same, and takeeds were issued to the zilladar and peons; but as they did not pay the tax, even after the expiration of the first month, in the next Fusly 1265, and so failed in their promises of payment, I sent a strict takeed to the zillahdar of that place. He submitted a report to me, stating that he and his peons went and asked for the arrears; that the defaulters agreed to pay 50 rupees, but that only a sum of 30 rupees was collected in ready money; that he (zillahdar) gave instructions to the puttamoneyem, and the village moonsiff Naub Gooroovauppa Chetty, to realise the remainder money, and remit the same; but that that moneyagar appropriated the money collected to his own use; that he (zilladar) therefore could not remit the money, and that therefore an inquiry should be made, and punishment be awarded. On which I went to Pareyapolayem on the 27th June last, sent for and inquired the moonsiff puttamoneyagar Naub Gooroovuppa Chetty, and some of the defaulters, and taking depositions from them, sent an urzy to your Honor on the 2d July 1855. In that urzy I requested for an order to punish the moonsiff and realise the sum of 30 rupees he had appropriated by attachment (of his property). I then received an order from you, dated the 5th July 1855, in which you directed me to go to the village immediately and collect the money, and also observed that you will send another order afterwards about punishing the moonsiff. In accordance to the above order I went to Pareapolayem on the 27th July, sent for and demanded the defaulters in the village of Rolluppady, which is situated very near to the talook, to pay their arrears of the looms tax. They said they were unable to pay, and requested me to allow them a time of 10 days to pay the balance. I told them that the time cannot be allowed, that the money should be paid down, because the year was over, and a month in the current year was past. I gave order to the duffadar Moockoonda Naicken, Moonesawmy, Jayaram, and Adumkan to collect the balance from the above defaulters. But no one in the village paid any money. As many of the defaulters promised to pay money, after going to their village Rolluppady, I thought that the collection could (easily) be made if I go and make exertions in the village; and accordingly I went thither on the next day, the 28th July last, with my cutcherry, and on demanding them to pay the money, they all liquidated the balance in small sums at a time within the evening of that day. The sum collected amounted to about 160 rupees. There was still a balance of 50 rupees, and the persons who owed it absconded. Those who paid money took leave and went away immediately. I remitted the sums collected, and on the next day, the 19th, I went to Chinna Naidoo with cutcherry in order to collect balance of revenue. This is all that took place; in fact, I collected the balance of the tax from those who owed it, but who withheld payment in the hope that moturfa tax would be remitted by the Government. But the moonsiff puttamoneyagar, who is of the same caste as the defaulters, having appropriated the collection of 30 rupees and odd, I again sent an urzy, No. 73, to you on the 8th August, informing you of the above circumstances. It is owing to the instigation of certain persons who bear enmity, and who are of bad conduct, the complaint has been preferred against me, in order to bring on disgrace on me by inserting circumstances which never did take place at all. I did not order the peons either to cause the defaulters to be kept stooping down or to pinch their thighs. The defaulters remained in my presence at the place where I held the cutchery, and therefore, peons and others (would not have behaved themselves as stated above), nor did they do so. False witnesses have been caused to give evidence by bribery; therefore a reference to the urzees, which I submitted occasionally, as stated above, will show the reality of the case. Should the other puttamoneyagar of the village at that time, Polayuttan Pillay,

Pillay, the huzoor daloyet Thandookan, and the peon Jayaram be examined as witnesses for the defence, provided the same be necessary, it will fully appear that the complaint was a false one. Please know this. Fort St. George.

(signed) *Seenevasa Row.*

N. B.—The investigation appears hastily concluded.

(countersigned) *C. J. Shubrick.*

Extract from the Diary of the Magistrate of Chingleput.

Magistrate Court was held on Friday, at Suydapetta.

No. 22.—21st Poorattasy of of Retehasaor, 5th October 1855.

Complainants, Sowduppen and others.—Defendants, 1. Seenevasa Row, the Head of Police of Paryapolayen; 2. Moockoondoo Naicken; and 3. Moonesawmy Naicken.

The defendants were charged with having on the 27th July 1855, in the village of Coommapetta, in Pareyapolayem talook, made the complainant and others to be kept stooping down in the sunshine, seized and pinched their thighs, and beat and ill-treated them.

The witnesses Vengattasawmy and Cunden have deposed that, by order of the first, the other defendants caused the complainant and others to be kept stooping down in the sunshine, pinched their thighs, and ill-treated them. On a consideration of the fact of the first defendant having been directed to go in person (by the issue of an order in the Revenue Department) and collect the arrears of the loom tax which had been due for a long time by the complainant and other "Jaindevers," or weavers, who had delayed payment, there appear sufficient reasons to believe that the first defendant might have put the complainant and others in constraint as charged by them; and as the evidence of the above witnesses is in this case worthy of credit, a fine of five rupees was imposed on the first defendant under the provisions of Section 32, Regulation IX. of 1816, and the other defendants were set at liberty with a reprimand, they having acted under the order of the first defendant.

(signed) *C. J. Shubrick*, Magistrate.

(No. 26.)

Letter from *George Ellis*, Esq., Register to the Court of Foujdaree Udalut, to *T. Pycroft*, Esq., Chief Secretary to Government.

Sir,

1. I have the honour by direction of the judges of the Court of Foujdaree Udalut to acknowledge the receipt of Extract from the Minutes of Consultation, under date the 27th May 1856, requesting to be furnished with a copy of the calendar from the magistrate of Chingleput, relative to the fine of five rupees imposed on the Tahsildar Streenevassa Row, on complaint of torture made by the weavers of Periapolliam, with any proceedings in review of the case which may have been held by the Court of Foujdaree Udalut or by the session judge.

2. In forwarding copies of extract from the petty calendars of the magistracy of Chingleput, for the fourth quarter of 1855, as also of an extract from the proceedings held on review of the said calendars by the session judge, I am desired by the Court of Foujdaree Udalut to state that the quarterly calendar was brought under the review of the Court of Foujdaree Udalut in the usual course of procedure; but that as the particular case to which reference has been made in the Extract from the Minutes of Consultation under reply had not been noticed by the session judge to whom the original record had been submitted, and as it was headed "Misdemeanor," and a trifling fine had been imposed, the charge, too, containing no features of aggravation, the Court of Foujdaree Udalut were of opinion that it was not a case that called for any special notice from them.

Fort St. George.

3. Prior, however, to the receipt of the Extract from the Minutes of Consultation, dated 27th May, the attention of the Court of Foujdaree Udalut had been drawn to a debate in the House of Lords, in which the Earl of Albemarle had in the course of his speech made allusion to this particular case of torture.

4. The Court of Foujdaree Udalut, on 17th May, called upon the session judge to inform them what notice be had taken of the case when the record thereof had been submitted to him by the magistrate. The translations of the depositions taken before the magistrate have already been submitted to Government by this court, and I have now, by direction of the judges, the honour to forward a copy of this Court's letter to the session judge, together with his reply, and copy of a letter from the magistrate of Chingleput to the session judge on the same subject.

I have, &c.

Foujdaree Udalut Register's Office, (signed) *George Ellis*, Register.
2 June 1856.

(No. 1.)

CALENDAR of PERSONS punished by the Magistrate and his Assistants from 1st October to 31st December 1855, both inclusive.

1. General No.	2. Office No.	3. Name of Prisoners.	4. Charge.	5. Date of Charge.	6. Date of Apprehension or Appearance.	7. Sentence.	8. Date of Sentence.	9. REMARKS.
37	22	1. Streenewassarow, Tahsildar of the Pariapollein Talook; 2. Moocoondoo Naicken; 3. Moonesawmy Naicken.	By the magistrate, misdemeanor, for having on the 27th July 1855, hour unknown, at Coommarapollium, in the Pareapollium Talook, exposed the prosecutors to the sun for omitting to liquidate the Government demand against them.	3 Aug. 1855.	23 Aug. 1855.	The 1st defendant was sentenced to pay a fine of 5 rupees, under Section 32, Regulation IX. of 1816, and the 2d and 3d defendants were released for want of proof.	5 Oct. 1855.	The delay arose from the non-attendance of witnesses. The parties were at large.

Chingleput District, Magistrate's Office, Sidapet, 9 February 1856.

(signed) *C. J. Shubrick*, Magistrate.

(No. 2.)

EXTRACT from the Proceedings of the Sessions Court of Chingleput, under date the 18th February 1856.

READ calendars, petty cases investigated and disposed of by the magistracy and his assistants during the 4th quarter of 1855.

The above calendars do not appear to call for any remark.

Ordered, that extract from these proceedings be sent to the magistrate of Chingleput for his information.

(True extract.)

(signed) *W. Dowdeswell*,
Session Judge.

(True copy.)

(signed) George Ellis,
Register.

Madras, 17 May 1856.

Fort St. George.

(No. 3.)

LETTER from *George Ellis*, Esq., Register to the Court of Foujdaree Udalut, to *W. Dowdeswell*, Esq., Session Judge of Chingleput.

Sir,

1. THE attention of the judges of the Court of Foujdaree Udalut has been drawn to a debate in the House of Lords, a report of which has been received by the last mail; in this debate reference was made to a decision passed by Mr. Shubrick, magistrate of Chingleput, in a charge of torture preferred against the tahsildar of Pariapolliam and certain peons.

2. The Court of Foujdaree Udalut, having referred to the petty calendars of the magistracy for the 4th quarter of 1855, observe that the case above referred to is headed "Misdemeanor," and that it was disposed of by the magistrate, under Section 32, Regulation IX. of 1816.

3. I am directed by the judges to request you will inform them, with the least possible delay, whether, when the records of the cases entered in the petty calendars for the last quarter of 1855, were submitted for your consideration by the magistrate, the record of this particular case was gone into and reviewed by you; and whether, in the event of such having been examined, you saw reason to discredit the testimony of the witnesses in the case.

Foujdaree Udalut, Register's Office, 17 May 1856. I have, &c. (signed) *G. Ellis*, Register.

(True copy.)
(signed) George Ellis, Register.

(No. 4.)

LETTER from *W. Dowdeswell*, Esq., Session Judge of Chingleput, to *George Ellis*, Esq., Register to the Court of Foujdaree Udalut, Fort St. George.

Sir,

WITH reference to your letter of the 17th instant, requiring me to report whether the record in case No. 22, contained in the petty calendars of the magistracy for the 4th quarter 1855, wherein the tahsildar of Pariapolliam was charged with maltreatment of certain parties, was gone into by me, and if so whether there were any grounds for discrediting the testimony adduced in support of the charge,—I have the honour to report that, on looking over the record in question, I found the evidence taken in that case referred solely to the charge made by the petitioners against the tahsildar for his conduct on the 28th July last, and it appears no inquiry had at that time been entered into regarding the charge which referred to the 27th July. The magistrate * considered that the evidence, although it greatly exaggerated the circumstances, and was in many instances actually contradictory as to what had really occurred, still was sufficient to prove the tahsildar has used unnecessary coercion, so far as disgracing and oppressing the petitioners, by making them stand in the sun in the public street guarded by peons; but it was clear he did not credit any other part of the evidence which referred to the torture the petitioners asserted they had suffered. I was aware that there were other charges pending against this tahsildar, and it will be observed that another charge is entered in the same report; but which the magistrate did not enter into, as the parties had already instituted a civil action against the tahsildar. Perceiving the statements were very contradictory, and that the conduct of the tahsildar was under investigation, I did not consider it necessary to pass any orders on the case, neither party having appealed to the Sessions Court.

* Copy of his letter is herewith submitted.

I beg to submit a rough translation of the record, in which the judges will perceive the contradictions in the evidence are marked by myself; and I must confess I can hardly conceive it possible that any tahsildar, more particularly one so unpopular as this man appears to be, would have dared to have tortured any persons in the public street, and for so many hours, after the stringent

Fort St. George.

orders that had just been passed by Government on this subject; and moreover, if he had actually done so, such a number of respectable witnesses could easily have been brought forward as would have clearly and satisfactorily substantiated the charge.

I have, &c.

Chingleput Session Court, 28 May 1856.

(signed) *W. Dowdeswell,* Session Judge.

Letter from *C. J. Shubrick,* Esq., Magistrate of Chingleput, to *W. Dowdeswell,* Esq., Session Judge of Chingleput.

Chingleput, Magistrate's Office, Pulicat, 23 May 1856.

Sir,

I have the honour to forward the record of the case No. 22 of 1855, called for in your letter, No. 225, of the 19th instant.

2. As this case has lately attained some notoriety through the public prints, I would beg to be allowed to draw your attention to the complaint as given before me on solemn affirmation, and as drawn up in English by the professional petition writer; the latter containing many aggravations which the former has omitted, and which, moreover, have not in any way been alluded to by the witnesses.

3. As the smallness of the fine has also been commented on, I would beg to refer you to the very unsatisfactory nature of the evidence recorded, and which would not, in fact, have justified any conviction at all, if the first defendant, the tahsildar, had not admitted his presence at the spot, and the collection of the arrears of moturpha tax from the complainants given a colouring of truth to it, by showing, or rendering it probable, that coercion of some sort had been used towards them. The evidence by itself did not appear to me to be of that convincing nature that a severe sentence could justly be founded on it; and it was only the probability of the case, coupled, as that was, with the general disinclination of the weavers to the payment of the tax, under the idea that was prevalent amongst them that it was shortly about to be modified or abolished, and therefore increasing the chances of coercion having been used towards them, that induced me to view the evidence as sufficient for the purposes of conviction, and for a slight punishment, enough to prevent its repetition, rather than as warranting a severe sentence, which would have fairly ensued if the evidence had been of a less questionable character. In fact, so far from not punishing adequately in accordance with the evidence before me, I believe it will be allowed that I have strained that evidence to its utmost limit, and brought in the aid of circumstantial probability to assist and bear me out in my conclusion.

4. I have further to state, though I felt myself, on the whole, warranted in convicting, I was also deterred from a greater measure of punishment by fearing it might encourage the weavers to a future resistance of the tax, by lowering the tahsildar's authority and power amongst them, and his talook generally. I was aware of their objections to the tax, and to which the tahsildar has also alluded in his defence; and I thought it was better to check him from resorting to illegal and objectionable measures in its collection by a small fine, than by a heavy punishment to encourage them to continue in their opposition by the greater triumph it would afford them; and which would not only have affected him individually, but also every tahsildar in the district.

I have, &c.

(signed) *C. J. Shubrick,* Magistrate.

Extract Fort St. George Revenue Consultations; 27 May 1857.

(No. 537.)

No. 44.

The Right Honourable the Governor in Council proceeds to pass orders on the letter in the public department from the Honourable Court of Directors, dated 25th April 1856, No. 19.

2. Resolved,

2. Resolved, that an Extract* from the Order of the House of Lords, paras. 1, 2, and 3, be forwarded direct to the collector and magistrate of Chingleput, with instructions to submit the documents therein enumerated as soon as possible. Fort St. George.

(signed) *J. D. Bourdillon,*
Secretary to Government.

LETTER from *C. J. Shubrick*, Esq., Collector and Magistrate of Chingleput, to *J. D. Bourdillon*, Esq., Secretary to Government, Fort St. George.

Sir, 5 June 1856.

WITH reference to your letter of the 2d instant, No. 557, I have the honour to forward you a copy† of my takeed of the 5th July 1855, as therein requested. The original will be sent for from Peddopolliem, and submitted when received. With this takeed and the original record called for from the session judge, the Government will be possessed of all the papers required to be submitted in their order of the 27th ultimo. I was not previously aware that the call for the proceedings by the Foujdarry Udalut had emanated from Government, but attributed it to the notoriety they had acquired through the medium of the public prints.

† Not sent; the original itself having been received and enclosed.

2. I beg to be permitted to make a few remarks, which the proceedings themselves, the circumstances under which they have been called for, and the comments that have been made on me individually, seem alike to require, and without which the Government would be unable to form any correct conclusions on the subjects submitted to their judgment, or be made aware of the reasons and motives that guided me in my course of procedure. The part taken by the Madras Native Association in these proceedings requires that I should refer to them first; I will afterwards proceed with the case itself on its merits.

3. It will be in the recollection of the Right Honourable the Governor in Council, that certain persons appeared in the Guntoor district in 1854, and gave themselves out as agents or emissaries of the Madras Native Association, who went about collecting subscriptions on pretence of seeking to abolish the moturpha taxes. I am not able to say that any such persons have actually appeared in Chingleput‡, but the connexion of the Madras Native Association with the efforts of the weavers to relieve themselves from these taxes has been very apparent. The tahseeldar does not allude to the association in his defence, but he alludes to the impatience with which the weavers looked upon their professional taxes, and the efforts they made to shake them off. The connexion of the Native Association with the weavers in their efforts is shown by the present proceedings, and they have also been guilty of stooping to obtain clandestine possession of copies of documents from my office of which no copies were publicly applied for, and consequently could not have been granted.

4. The only copy of a document granted by me was a copy of the Tamil sentence in the Diary, but the Native Association appear to have obtained possession of a copy of a rough memorandum of instructions issued by me to the magistrate's moonshee to draw up that sentence, which instructions might equally well have been given by word of mouth, and do not necessarily form any part of the record. It has, however, been sent with the record to the session judge, and will come before Government in due time. I maintain the propriety of those instructions§ under the circumstances of the case, and only allude to them to show the clandestine way they must have come to the knowledge of the Native Association, and the clandestine use they have made of them.

5. The

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* Desire to be furnished with copies of certain documents called for by the House of Lords, connected with the steps taken by the collector of Chingleput, for the collection of the loom tax from certain weavers of Periapalleum.

‡ I now find that such persons did appear in Chingleput, and were reported to the Board by Mr. Smollett, in his letter, No. 156, of the 12th July 1854.

§ It will be seen that the Tamil sentence uses stronger terms than are contained in the instructions. This did not attract my attention at the time.

Fort St. George.

5. The copy of the takeed of the 5th July is another document they have equally obtained clandestinely, and translations or copies of depositions, I am told, have appeared in some of the native papers, and to-day in the "Athenæum," which the weavers, the parties to the case, never applied for, as well as a translation of a subsequent takeed addressed to the tahsildar, directing him to remit the amount of the fine imposed on him to the hoozoor treasury.

6. The possession of these documents, and the use made of them by the Native Association, show the unscrupulous character of the individuals composing it, and the dangerous tendency of their proceedings towards subverting all constituted authority, and throwing distrust and suspicion between heads of offices and their subordinates. I would beg respectfully to state on this head, that, individually, I am perfectly indifferent as to what documents they may obtain, or wish to obtain, from my office; but that, as a public servant, it appears to me that the possession and use of unauthorised and unauthenticated copies of public documents by associated or single individuals may be found to be undesirable, and even, under certain circumstances, hurtful to the public interests. In the present case, of course, it only concerns me individually; but cases may occur in which greater inconvenience may be the result, and which it may therefore, perhaps, be deemed advisable to guard against.

7. I now proceed to the case on its merits, and trust I may be permitted to enter upon a full explanation, with the assured confidence that every word I say will receive its proper weight, and that nothing but the facts themselves, and their legitimate consequences, will be allowed to enter into the consideration of Government, who will discard from their minds all the prejudices and statements that have been made, both at home and in this country, in regard to these facts, which the parties making them did not understand, and were not fully informed of. Before doing so, it will, however, be as well for me to state here, which I might perhaps have better stated above, that the weavers themselves never complained against my decision, though an appeal could have been laid against it both to the session judge and Court of Foujdarry Udalut, and that their going to the Native Association shows that both they and the latter body had other motives and objects than the mere establishment of justice in their individual cases to influence them.

8. I proceed to the takeed of the 5th July, and here beg to enclose the tahseeldar's urzee of the 2d idem on which it was issued, but which has not been called for, though the document most required to understand the subsequent proceedings.

9. The Right Honourable the Governor in Council will perceive from this urzee, that the tahseeldar first brought the arrears of the weavers to my notice within nine days of the end of the fusly, and attributed his failure to make his collections to the negligence of his subordinates, and the connivance of the putta monigar, who had retained a portion of them when realised, and requested he might be allowed to distrain the property of the weavers in consequence.

10. It appeared to me, that the tahseeldar was merely endeavouring to throw off his responsibility on his subordinates, who were not the proper parties to bear it; and that before the entire taxes of all the weavers of a village for a whole twelvemonth should be levied by distress, it was advisable that he should himself go to them in person, and see what he could do towards getting them in. I accordingly sent him my takeed of the 5th July, in which I pointed out to him his negligence, and required him to remedy it. A great deal has been said and written about this takeed, and I have been accused of personally goading on the tahseeldar to the commission of torture, by the threat of a "severe order," with which it terminated; and the injunction, that he should leave no "part of the balance unrealised."

11. I beg respectfully to state, that I make no excuse or palliation for this takeed. I maintain its propriety throughout, and I have no hesitation in saying that, in common with every collector in the service, I must have signed some hundreds of similar takeeds, though not one where the conduct of the tahseeldar had been equally negligent beforehand, or followed by torture afterwards. It was an every day order, drawn up to meet the case to which it applied, and it was impossible for me to anticipate that the tahseeldar would have

have had recourse to illegal measures in the performance of his duty; there was no reason why he should have resorted to illegal measures. He might and ought to have collected his kists regularly, and not allowed them to stand over for a whole twelvemonth, when he would have got them in with ease; that he was not doing so I never knew till the receipt of his urzee of the 2d July, written nine days before the end of the fusly year; and his resorting to illegal measures, in consequence of being goaded to them by my takeed, is absolutely negatived by the time he allowed it to remain with him without notice.

12. If my takeed was of the goading nature attributed to it, and the threat of a "severe order" was understood as anything more than "a commonplace," I would beg to ask why it was not acted on forthwith? It was dated the 5th July, and must have reached the tahseeldar on the 7th; but he does not appear to have moved in the matter till the 27th, though he might, if he had attached any special importance to it, had the weavers before him on the very day he received it, and reported his collections on the next. I have stated that I could not anticipate that the tahseeldar would resort to illegal measures; and I have shown that my order was not the immediate cause of them when he did; and I now beg to add, that I have never had a complaint of ill usage in the collection of revenue made to me during the whole of my public service. I have had complaints of ill usage and torture in police cases; and the magistrates' or agents' calendars of the Vizagapatam districts will show how I acted on them, and that I never hesitated to punish with due severity when the occasion seemed to require it. I applied for copies of these calendars to the registrar of the Foujdarry Udalut that I might be able to show (not to Government, who, I believe, have no need of it), but to others, that I was probably the least likely person against whom a charge of abetting torture could, by any possibility, be brought. I have been informed in reply that these calendars, which are of the year 1845, have been destroyed in common with all others up to 1850, on the records of the Foujdarry Udalut. I have therefore sent for them to Vizagapatam, where, if still in existence, I hope shortly to be able to furnish the Government with copies, under the attestation of the magistrate. As stated already, I have never had a complaint of torture preferred to me previously in revenue cases; and the first information I heard of its existence was through the medium of the Torture Commission. I do not believe in its existence to any extent, no more than I do generally to brutal conduct amongst the police in England, though occasional instances of such find their way now and then into the newspapers; and I positively deny its necessity. No tahseeldar who does his duty regularly would find himself obliged to resort to it; it can only be to cover laziness and previous neglect that it can ever have been inflicted. As for the charge that has been made that complaints of this nature have been indifferently received, I would be allowed to say, that the charge must be quite gratuitous and unsupported. Whatever a collector's feelings in the question might be, the charge would have come before him as a magistrate, when, if he had failed to inquire into it, or dispose of it on its merits, an application to the session court, or Foujdarry Udalut, to say nothing of the Government, would have compelled him by precept to proceed with it in regular order.

13. In regard to the other expressions objected to, "leaving no part of the balance unrealised," the Government need not be informed that it is the common idiom of the Tamil language, and not specially used for the occasion in question. Any other expression would have been extraordinary and uncommon.

14. I trust I may be excused for thus explaining matters which would not otherwise have called for explanation, being of every day occurrence; but I find myself obliged to enter into them, from their having originated elsewhere, and may still be discussed where they are not known. In this way I find myself obliged to state, that owing to the neglect of the tahseeldar the weavers had all the time allowed them to pay their taxes they could possibly have wanted, if they were intended to be paid at all. These taxes were due over a period of 13 months, and could not be prolonged. The weavers knew they stood against them the whole of that time, and if they had not been contumacious they would have been prepared to pay them on demand, and thankful for the time they had been allowed to pay them in. I believe no similar delay could have taken place in any other country; and in England it would probably

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have resulted in the summary dismissal of the subordinate officer allowing it. The very time allowed the weavers shows that they ought to have been prepared at the last; and the fact of their families being possessed of jewels proves that they were not only not wanting in the means, but that they could have been ready provided with them for the payment if they had wished it.

15. It has been said that distress might at once have been resorted to. It certainly might; but the measure appeared to me to be harsh, on the mere report of the tahseeldar, without his first going and making an effort to collect the balance in person, and I believe still greater efforts would have been made to throw odium on the mohturpha taxes, if it could have been said that nothing short of distraint had been able to realise them.

16. I now proceed to the case as a question of police. In doing so I beg to draw the attention of the Right Honourable the Governor in Council to the statements of the weavers, as given by themselves on solemn affirmation before me, and as drawn up by the professional petition writer whom they employed, and who has introduced a variety of circumstances which they never hinted at, and their witnesses did not depose to. With these circumstances I had, therefore, nothing to do. My inquiry was confined, according to the circular orders of the Foujdarry Udalut, dated the 24th July 1855, and Section 3, Regulation VIII. of 1832, to the complaint deposed before me by the parties themselves, and the matters elicited from their witnesses. It was on these that I based my sentence, and which I now hope to be able to justify.

17. It will be observed that the weavers depose to having been ill-treated by the tahseeldar and his peons on two days, the first day at Peddapollium, and the second day at their own village of Ralapady. Regarding the occurrences of the first day there is no corroborative evidence. The tahseeldar admits in his defence that he summoned the weavers to Pedapollum on that day, but the witnesses do not depose to what took place there. They confine their evidence to the occurrences of the second day at Rallapady. Whatever may have happened on the first day (if anything) there is no evidence to establish it, and the tahseeldar is entitled to an absolute acquittal.

18. It remains, therefore, only to consider the nature of the evidence regarding the occurrences of the second day. The first idea that will occur will be probably the meagreness and unsatisfactory nature of the evidence recorded by the complainants' spokesman, and their witnesses. Considering the length of time they profess themselves to have been suffering under the ill-treatment of the tahseeldar and his peons, and the number of the latter that must have been employed (supposing that all that has been said of them was true), it is surprising that none of the parties, either weavers or witnesses, should have been able to depose against more than two of the peons, and that one of the witnesses, (the first) Vencatasawmy, should be unable to identify even those two. There was ample time during the second day for every peon to have been identified (setting aside the first day); and the failure in this respect fully accounts for my use of the expression "questionable evidence," which has been elsewhere objected to. This "questionable evidence" is further apparent in the different statements of the witnesses relative to the time when the weavers were allowed to take their food. The second witness, Vencata Chetta Chetty, places this in the evening, meaning after they have paid their balances; while the third, Cundun, says that it was at noon, at the time the tahsildar went to his rice. The weavers themselves say they paid their money and were released at four o'clock. The reasons assigned for the presence of the second and third witnesses also appear to be "questionable," and it is strange that the same reasons should have taken them both to the spot, viz., collecting money or debts on their own account.

19. I believe I have thus very clearly shown that I was justified in using the expression "questionable evidence," and acting up to it. It was impossible for me with these discrepancies, and when the circumstances of the complaint were such as to have required better evidence, to do otherwise than consider they had very much helped to destroy it, so far as it justified me in uttering a severe sentence. I consider it possible, and very probable, that coercion of some sort had been used towards the weavers, but I did not consider it amounted to anything like what they said it did. I thought that a fine which would check a recurrence

recurrence to coercion, and induce the tasildar to exert himself, was all that the case required, and which I hope on my explanation will now be allowed to be so. If the evidence had been conclusive, and the ill-treatment more clearly and less suspiciously established, the punishment I should have awarded would undoubtedly have been greater. I must also state that I was guided in the amount of fine by the consequences I feared might result from the imposition of a larger sum. The tasildar in his defence alludes to the impatience with which the weavers viewed the tax, and I had become aware of it long before from being frequently accosted by these people* in my morning rides, and learning from them how anxiously they were looking forward to its abolition. It is my firm belief that the whole affair, and its transmission to England, instead of the constituted authorities or Government on the spot, has been got up for the purpose of bringing the tax into odium; and at the time I was afraid lest a heavier punishment might tend to encourage further resistance, and increase the difficulties of the tahsildar. The Government will observe, that though I inquired into the case on the 23d August, my sentence was not given out till the 5th October. If I had not been afraid of the consequences I have described it would have been given the same date as the inquiry. In another case of torture or abuse of authority preferred against this very tahsildar when in Poonamaley, where the charge was admitted and the evidence conclusive, and no consequences such as I feared in the present case likely to follow, I recommended† a fine of 25 rupees to be imposed on him, which the Government‡ approved of.

* I mean belonging to other villages.

† *Vide* Letter dated 21 December 1855.

‡ *Vide* Extract from Mins. of Cons., 10 January 1856.

20. The preceding was written yesterday, the 4th, and was in the hands of the copyist, when this morning's post brought me copies of two of the sentences referred to by me in para. 12, and the promise of a third as soon as it could be procured from the Principal Assistant's Office.

21. I beg to enclose these sentences, with the accompanying copies of proceedings held by me in cases of torture and oppression while acting as session judge at Chingleput. They will show to Government, by the sentences passed in one case, that of a head of police, dismissal from the service and a fine of 100 rupees for "bribery and extortion under threats;" and in the other imprisonment with four months' labour, and a fine of 20 rupees, commutable to two more months' imprisonment in default of payment, on a duffadar for "extortion with ill-treatment or torture;" but I never failed to follow these cases§ to the uttermost, and set my face most determinedly against all kinds of ill-usage on the part of the police in all its various shapes. The proceedings from Chingleput will also show how I endeavoured to bring these matters to light in the case of the Saint Thomas's Mount cantonment, Cotwall, and did not hesitate to express myself regarding the joint magistrate when he appeared to me to be endeavouring to screen his subordinate officer.

§ I mean cases of torture.

22. I have thus endeavoured to bring all the matters connected with this case clearly and prominently before the Right Honourable the Governor in Council; and I trust, as an English gentleman and a public servant of 23 years standing, I may be held to have completely exonerated myself in their view. I may have erred in the amount of fine I imposed, and the consequences I feared from making it larger; but I have nothing to retract or qualify, and my whole career is a sufficient proof that I have never failed in my duty, either towards the Government or its subjects, as far as my conscience, time, and abilities permitted me.

23. The above had been written and copied fair when the original takeed of the 5th July reached me from Peddapollium, and is herewith enclosed. Should I have omitted any points which may appear to call for further explanation, I request they may be intimated to me.

I have, &c.

(signed) *C. J. Shubrick,*
Collector and Magistrate.

Fort St. George.

TRANSLATION of an Order issued to the Peddapalium Tehsildar, dated the 5th July 1855.

YOUR urzee, No. 9, of the 2d instant, with its enclosure, has been received. You have represented therein that Naul Gooroovappa Chetty, moonsiff and puttamanigar of Rullapandy, of the above talook, has not only thwarted the collection of the loom-tax in his village, *Rs.* 212. 8. being the entire demand, and withheld the payment of his own tax, but that he has likewise stated that instead of remitting 15 rupees, alleged to have been collected by him on the above account, he has refunded the same to the payees, and that he should therefore be visited with a fine, and dismissed from office, and that the property of the defaulters should be distrained.

Should the entire demand on the looms remain unliquidated, you should have inquired into the subject from time to time, and collected the amount. This you have failed to do, and remained silent up to the end of the fusly; and have now addressed an urzee, as above set forth, which shows that you have paid no attention to the collections, and that you are under the impression that, by making representations against the subordinate officers, your responsibility in the matter will cease. The indolence you have displayed in the matter is very apparent. Immediately on the receipt of this order you will personally go to the village, and collect the whole amount of the demand, and report the same. Should you fail to recover the above amount, stringent instructions will be issued regarding you.

On the receipt of your report that the balance has been recovered, instructions will be issued regarding the punishment to be inflicted on the moonsiff.

(True translation.)

(signed) *C. J. Shubrick*, Collector.

(No. 813.)

LETTER from *G. S. Forbes*, Esq., Secretary to the Board of Revenue, to *C. J. Shubrick*, Esq., Collector of Chingleput.

Sir,

I AM directed to forward to you the accompanying issue of the "Madras Spectator" of the 13th instant, which contains extracts from a petition addressed to Parliament by the Madras Native Association.

The Board request that you will inform them whether any charge was made against the tehsildar of abuse of authority in collecting these dues of Government; and, if so, acquaint them with the nature of the charge and the circumstances attending it.

I have, &c.

(signed) *G. S. Forbes*,

Secretary.

Revenue Board Office, Fort St. George,
18 March 1856.

LETTER from *C. J. Shubrick*, Esq., Collector of Chingleput, to *G. S. Forbes*, Esq., Secretary to the Board of Revenue, Fort St. George.

Sir,

1. I HAVE the honour to reply to your letter, No. 813, of the 18th instant forwarding the "Madras Spectator"* of the 13th idem, and requesting me to inform the Board of the nature of the charge preferred against the tehsildar, and the circumstances attending it, as referred to in a petition addressed to Parliament by the Madras Native Association.

* Returned.

2. The charge against the tehsildar, which was disposed of by me on the magisterial side, was for using compulsory measures towards the weavers of Rallapady, with a view to forcing them to pay their arrears of loom tax, by bringing them away from their own village to where he was staying, keeping them a short time without food, making them stand in the sun, and causing his peons to pinch them on the thighs, and which resulted in the accomplishment of his intentions.

3. The

3. The charge was denied; but the nature of the proof, though otherwise questionable, appeared to me to receive considerable force from the fact that the money was collected, and I accordingly convicted and fined the tehsildar in the sum of five rupees, and released the peons with a caution.

4. My reason for dealing thus leniently with the case, arose out of the feeling which I had become aware was very prevalent among the weaving community, that the loom-tax was about to be abolished or modified, and the impatience which they therefore evinced at being longer subjected to it. It was necessary for me to consider what the result of my decision would be on the feelings of the weavers in general, with reference to their efforts to shake off the tax; and while checking the tehsildar against a repetition of similar conduct, not to allow the weavers to suppose they could exempt themselves from future payment. The question was, it appeared to me, how to combine justice in the particular case with policy towards a whole community; how to punish the tehsildar sufficiently for his offence, and at the same time not to lessen his legitimate authority; and I have every reason to believe that my sentence met the requirements I had intended from it.

5. I think it is very possible that I may shortly have to bring this tehsildar's general conduct before the notice of the Board; but in the particular instance under reference I believe I could not have acted better or more advisedly than I did.

Chingleput District, (signed) *C. J. Shubrick*,
Collector's Ct. Cuty., Covelong, Collector.
25 March 1856.

(No. 1947.)

Extract from the Proceedings of the Board of Revenue; dated 10 April 1856.

Read letter from Collector of Chingleput, dated 25th March 1856.

Para. 1. In their proceedings of the 18th ultimo, the Board called the attention of the Collector to a representation made by the Madras Native Association, in a petition to Parliament, that a tehsildar of his district had been only punished with a fine of five rupees, on being convicted of using forcible measures for collecting an arrear of moturpha revenue due by some weavers, and they requested to be informed if the details of this representation were correct.

2. Mr. Shubrick's present letter is in reply to that call, and shows that Sreenevassarow, tehsildar of the Peddapolliam talook, was fined five rupees for abuse of authority, in resorting to illegal measures for the collection of an arrear of revenue due by some weavers in the village of Rollapaddy.

3. The tehsildar was, it appears, charged with taking the defaulters away from their village, detaining them for a time without food, and ordering his peons to make them stand in the sun, and to pinch their thighs. Mr. Shubrick states that the accusation was denied, and that the evidence in support of it was in some degree questionable: but, as the charge derived support from the fact of the money being collected, he convicted the tehsildar of using illegal violence, and sentenced him, in his magisterial capacity, to a fine of five rupees. The peons were released with a caution.

4. In explanation of this lenient sentence, Mr. Shubrick observes, that the weavers had contumaciously refused to pay their tax under an idea that the moturpha revenue was about to be abolished, and that he felt it necessary to consider what the effect of his sentence would be, lest resistance to the just demands of Government should be encouraged by it. His object was to discountenance and punish illegal modes of collecting the public revenue, and at the same time maintain the authority of the Government servants.

5. The Board have not before them the details of the accusation, and of the evidence produced in its support, but as the arrear was realised, notwithstanding the remonstrances of the defaulters, without apparently any distraint of property, and the tehsildar was convicted by the Collector and magistrate of resorting to improper measures, they must consider that he has been proved guilty of official mis-

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conduct on the occasion; such being the case, the sentence is, in their opinion, quite inadequate; and they must observe that, while the tehsildar's illegal conduct was calculated to weaken our administration, its due punishment could alone repair this evil.

6. The Board therefore feel it inexpedient to retain the tehsildar in his present office, especially when the Collector alludes* in unfavourable terms to his general conduct; and while waiting for the expected report on this subject, they accordingly direct his suspension.

* Para. 8.

7. On receiving this further report, the Board will pass final orders regarding the tehsildar, and they feel bound to remark, that in doing so, they will have to give weight to the nature of the order which the tehsildar received from the Collector for the collection of this balance; the correctness of this order, as given in the petition of the Madras Native Association, does not appear to be disputed; and, although the Board are aware that the Collector had not the slightest intention of authorising any illegal measures, its wording was unfortunately such as might have impressed the tehsildar with an idea that he incurred more risk by leaving the balance uncollected, than by employing unjustifiable means for its collection. The order was evidently sent off without its wording being duly scrutinised, when a careful order, instructing the tehsildar what steps to take if the defaulters failed to pay the arrears, should have been issued: as the present balance was due on account of moturpha, and there was, consequently, no land first to be attached and sold, immediate distress could have been made against the personal property of the defaulters, and the tehsildar should have been directed to follow this course.

8. The Board cannot too strongly impress on the Collector the important duty of carefully taking measures to prevent abuses in the collection of the public revenues, and of checking any tendency on the part of his native servants to employ means other than those which the law allows.

C. J. Shubrick, Esq.,
Collector of Chingleput.

(signed) *J. D. Sim*,
Sub-Secretary.

Letter from *C. J. Shubrick*, Esq., Collector of Chingleput, to *G. S. Forbes*, Esq., Secretary to the Board of Revenue, Fort St. George.

Sir,

1. With reference to the Board's proceedings of the 10th instant, No. 1047, directing the suspension of the Peddapolliem tehsildar, and awaiting my further report on him, I have the honour to submit a statement showing the charges or accusations preferred against this officer, and the manner they have been disposed of, since my assumption of the charge of the district. Among the charges will be found three for felling down trees, and appropriating them to his own use, of which two have not yet been inquired into. These were the charges which I had it in contemplation to investigate when addressing the Board on the 25th ultimo, before reporting on his general conduct, but under the view taken by the Board of his conduct towards the weavers of Rallapady, it appears unnecessary to await their issue, the charges against him already proved being sufficient for his dismissal, and it was only an idea of accumulating his offences before reporting on them that led to my delay in the matter, as I had long been of opinion that his removal from the public service was absolutely necessary, both for the interests of Government and their subjects.

2. I need not enlarge on the facts revealed by the statement, as they will speak for themselves. The Board will observe that the tehsildar has been four times fined within twelve months, in sums amounting to 36 rupees, two of the fines being for abuse of authority and so-called torture, and two for neglect of duty; that legal proceedings have been instituted against him in the civil court by an injured party in another case; that he acknowledged having improperly felled some trees in one case, while in two others the charges are still pending; and that in only two cases he has been acquitted, one by the non-attendance of the complainant, the other by defect of evidence.

3. As a head of police, he has proved himself decidedly inefficient, having failed in establishing before the courts more than three cases out of the 32 heinous

heinous cases perpetrated in his talook within the year, and those three cases of simple theft and housebreaking, leaving seven cases of gang robbery undiscovered.

4. With reference to the Board's observations in para. 7, relative to the correctness of the order as given in the petition of the Madras Native Association not being disputed, I have the honour to state that not deeming their call for information to apply to it, but only to the charge against the tehsildar, I confined myself to the latter only in my reply; I have now the honour to enclose a correct translation of the order in question, which, though I have not the version published by the association to refer to, I have sufficient recollection of it to know that it differs very much from the one now furnished.

5. The Board will perceive that there is nothing in the order that could have justified the tehsildar in resorting to unjustifiable measures for the collection of the moturpha balance from the weavers. His report against them, in which he solicited permission to distrain their property, was dated the 2d July, or within a week of the end of the Fusly, and showed that he had neither been to the village himself, or succeeded in collecting a single rupee through the zilladar and peons he had sent there. His application to distrain their property appeared to me therefore to be premature, and that his own personal efforts in realizing the balance should be tried before resort should be had to such a measure. It was in this spirit that the order was issued, and should have been interpreted by him. It accused him of neglect of duty, and it required him to make up for his neglect, and not to recommend a distress of property before he had personally made his demand, and tried to do without it. The measures he adopted were not called for by the order, and neither the measures nor a resort to distress would have been necessary, notwithstanding the objections to the tax on the part of the weavers, if he had attended to his duties earlier in the year, instead of waiting to enforce them till the end.

6. I have, therefore, no hesitation in declaring that he has himself alone to blame in the matter, and that his further continuance in the public service should not be allowed.

(signed) *C. J. Shubrick,*
Collector.

Chingleput District, Collector's Ct.
Cutcherry, 18 April 1856.

STATEMENT showing the Charges preferred against C. Shreeneevassa Row, Tehsildar of the Peddapolliem Talook, Zillah Chingleput.

No.	Names of the Complainants.	Subject of Complaint.	Mode in which the Complaints were disposed of.
1.	Narrainsawmy Pillay, of Nugraharum, in the Poonamallee talook.	Complains of having been tortured by being handcuffed, slippered, and confined to close custody.	Convicted, and fined 25 rupees under the orders of Government. Complaint preferred to the Torture Commissioners.
2.	Weavers of Rallapady -	Complain of having been tortured by being made to stand in the sun, kept without food, and pinched on the thighs.	Convicted, and fined 5 rupees.
3.	Civil engineer - - -	Neglect of duty in the repair of the Cuddapah road.	Fined 10 rupees.
4.	- - - - - - -	Delay in the disposal of a case of assault.	Fined 1 rupee.
5.	- - - - - - -	Abuse of authority - - - -	Legal proceedings have been instituted in the civil court.
6.	Moses, of Pelrumibantum -	Felling down trees belonging to the villagers without authority.	Confessed the charge; was cautioned not to repeat it.
7.	Munguppa Naidoo, of Tholacadavankum.	Ill treatment for non-payment of revenue.	Acquitted, the party having failed to appear.
8.	Cooppiah - - - - -	Oppressive conduct - - - -	Not proved.
9.	Ramasawmy Naidoo -	Forcibly felling down certain trees and appropriating them to his own use - - - - -	Under investigation.
10.	Teagonoy Moodelly -		

STATEMENT of Heinous Offences committed in the Peddapolliem Talook during the Year 1855.

Offences.	No.	Persons concerned.	Whether apprehended or not.	How disposed of.
Gang robberies - - -	7	116	None apprehended.	
Attempt at house-breaking -	9	13	- ditto.	
Theft - - - - - -	7	13	cases. persons. 2 2 apprehended -	Committed to the court, but released for want of proof.
Theft and house-breaking -	9	15	6 12 - - -	- ditto, 3 cases dismissed.

Chingleput District, Collector's Ct. Cutcherry, 18 April 1856.

(signed) *C. J. Shubrick,* Collector.

(No. 1309.—Revenue Department.)

EXTRACT from the Proceedings of the Board of Revenue; dated 2 May 1856.

Dated 18 April 1856.

READ, letter from the Collector of Chingleput, reporting the conduct of the tehsildar of Peddapolliem, and recommending his dismissal.

In this letter the Collector details some minor instances of misconduct on the part of the tehsildar; but into these the Board will not enter, since the orders issued by Government,* when reviewing the report of the Torture Commissioners, render it impossible for them to retain, in public employ, a servant who has been a second time convicted of using illegal and harsh measures for the collection of the revenue.

* Extract Mins. of Cons. 7 June 1855, P. 15.

2. The Board, therefore, direct the tehsilder's dismissal; but they are constrained to observe that the order issued by the Collector to the tehsildar still appears to them to give his conduct the only palliation which it could receive. They are fully satisfied that Mr. Shubrick did not perceive the construction which might be put upon his order, or contemplate for a moment that it would lead to any illegal method of collecting the arrear. But as the tehsildar had unsuccessfully requested authority for distraining the property of the defaulters, and fining the village revenue officer for his neglect, and was directed to go himself to the village and collect the arrear, under pain of serious consequences to himself, he might have been led to suppose that he would be in more danger by failing to collect the balance, than by employing irregular measures for the purpose.

3. The Board, therefore, trust that the Collector will be careful in the wording of his orders on future similar occasions; and as his letter shows that he thought it harsh to resort at once to the distraint and sale of the property of these defaulters, his attention is called to the proclamation issued with their circular order, dated 30th April 1855, which shows that the Board desired to check all improper practices in the collection of the revenue, by bringing into prompt exercise those legal means which the Regulations afford.

EXTRACT Minute by the Right Honourable the President; dated 20 May 1856.

THE Board of Revenue, in these papers, transmit to Government their proceedings with reference to a case of torture in Chingleput, in consequence of its having been mentioned, according to the reports of the newspapers, by Lord Albemarle in the House of Lords.

It appears that so soon as the memorial of the Madras Native Association was published in the newspapers, in which this matter was mentioned, the Board called on Mr. Shubrick for an explanation. The result of their inquiry is shown in the documents now circulated. It is not my intention to give expression to any opinion on this subject, in consequence of the publicity which it has obtained,

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obtained, and from the fact that suggestions of various kinds have emanated from the public press. The case has come in no shape before this Government, neither could it in the usual course of procedure.

I am, however, of opinion that measures should be adopted to insure the supervision of the Government in any similar instance which may occur at any future time; and I would, therefore, propose that orders should be issued to all Collectors and magistrates, and by them to their subordinate officers, that copies of all cases of alleged torture, either in the Revenue or Police departments, and of the proceedings thereon, should be sent up to Government as soon as possible after they have come to the officer's knowledge.

Extract Judicial Letter to Fort St. George; dated 17 December (No. 19) 1856.

Letters from, dated 10 June (No. 19) 1856; 21 June (No. 20) 1856; Revenue letter, dated 10 June (No. 17) 1856. Weavers of Periapelliem, *versus* Tehseldar of ditto.

75. We have received the proceedings in this case, and transmitted them to the Commissioners for the Affairs of India, for submission to the House of Lords.

76. We entirely approve of the proceedings of the Board of Revenue in calling for the papers and directing the dismissal of the tehsildar from office. We desire that it may be publicly notified, that he shall not again be employed in the Government service, and at the same time must record our opinion that the session judge, Mr. Dowdeswell, failed in his duty in passing over the case as one not calling for his interference, and that Mr. Shubrick, with the knowledge which he possessed of the irregularities that had previously subjected the tehsildar to be fined, cannot be entirely acquitted of indiscretion in entrusting such a subordinate with any order, that, as the Board of Revenue observe, could lead him "to suppose that he would be in more danger by failing to collect the balance, than by employing irregular measures for the purpose."

BOMBAY.

Bombay.

— No. 1. —

Charges of Torture and Violence preferred against the Poonah Police.

No. 41 of 1855, Judicial Department.

To the Honourable the Court of Directors for the Affairs of the Honourable East India Company, London.

Torture: Charges preferred against the Poonah Police.

Jud. Cons. 1855.—3 March, No. 1367A/68; 7 April, No. 2781/86; 7 April, No. 2943/46; 1 May, No. 3170/73; 16 May, No. 4027/30; 8 August, No. 7014/18 D.

Jud. Cons. 1855.—16 May, No. 4076/81; 25 July, No. 6190/94.

Honourable Sirs,

Having noticed in the "Poona Observer" of the 10th February last, a charge of torture and violence preferred against the Poonah police, in which the Foujdar, Mr. Spiers, by name, was implicated; we called on the magistrate to submit a report on the subject.

2. From the magistrate's reply a further inquiry appeared to be necessary. We, therefore, appointed Mr. G. Inverarity, a Special Commissioner, under the provisions of Act XXXVII. of 1850, to investigate the circumstances connected with the charge.

3. The reports of the Commissioner which, with our own previous and subsequent proceedings, we now do ourselves the honour of forwarding, disclose a system of violence and intimidation, stopping short indeed of actual torture, but

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equally calculated illegally and unjustly to extort admissions of guilt from innocent persons.

4. In order to mark our sense of Mr. Spiers' misconduct, and as a warning to the police of this Presidency, to abstain from illegal and oppressive treatment of the prisoners in their custody, we have ordered Mr. Spiers to be dismissed from the service of Government.

5. We have also ordered the dismissal of the Foujdar's carkoon, Ballajee Punt, who was proved to have been an active agent in the ill-treatment of prisoners.

6. This decision and the circumstances which led to it, have been communicated to the several magistrates and superintendents of police for their information, and for communication to their subordinates.

We have, &c.

Bombay Castle,
13 August 1855.

(signed) *J. G. Lumsden.*
A. Malet.

Jud. Cons. 1855, 8 August, No. 7014.

Letter from the Commissioner on Special Duty at Poonah.

Sir,

In accordance with the instructions contained in your letter (No. 1410) under date the 2d ultimo, I have the honour to forward for the information of the Right honourable the Governor in Council my proceedings of inquiry into the charge of torture preferred against the Foujdar of Poonah, therein adverted to, as also my proceedings with reference to three other charges of the same description against that functionary, and which formed the subject of the magistrate of Poonah's communication to your address, No. 495, of the 4th April, and of your intimation to me, No. 1473, of the 5th idem.

2. The imputations against the Foujdar have, agreeably to the provisions of sec. 2, of Act XXXVII. of 1850, been drawn into distinct articles of charge, and my opinion recorded thereon in full at the close of each case, as required in sec. 21 of the same Act; it is unnecessary therefore that I should enter into any specific detail on the subject here; the proceedings in each case have been numbered successively from 1 to 4, according to the order into which they fell during the inquiry.

3. It will be observed, that several of the subordinate police officers have been implicated by the prosecutors along with the Foujdar in the charges which they bring. It has not, however, been possible to bring these parties under the same indictment as that officer, sec. 2 of the Act applying all investigations conducted under its provisions to persons not removable from office without the sanction of Government. The peons and carkoons being removable by the local authorities without reference to Government, do not, therefore, fall within the powers conferred upon me, and have, in consequence, been entered as witnesses* in each case where they are concerned, the point is not of much consequence as the Foujdar is presumed, if not shown, to have been the chief mover in all that is complained of, and the proceedings afford ample information as to the share which the subordinates had in his transactions.

* Not affirmed.

4. These four cases compose all the charges that have been received by me from the magistrate. A petition from Appa Wanee (prosecutor in case No. 2), was also transmitted, upon which no preliminary inquiry had been conducted by the local officers; it stated that one of his fellow prisoners, by name Atmaram Balal, has died in consequence of treatment received while in the furast khanah; upon examining this, in view to preparing the necessary indictment, I found that the son and representative of the deceased had no complaint to make on the subject, his father, according to him, having died from fever and natural causes. Appa Wanee's statement from this not appearing worthy of credence, and the family of the deceased assuring me that death occurred from natural causes, I have not considered it necessary to prosecute the case further. It also

appeared

appeared that upon Atmaram's death, Appa had preferred a petition of the same kind, upon which an inquest was held upon the body, and a report drawn up confirmatory of what the son now says.

5. Having thus completed the duty assigned to me, I beg to await the orders of Government for my future guidance.

I have, &c.
(signed) *G. Inverarity*,
Commissioner on Special Duty.

Poonah, 9 May 1855.

(No. 7018 A.)

Resolution by the Honourable Board.

Resolved, Mr. Inverarity, as a Commissioner under Act XXXVII. of 1850, has investigated certain charges preferred against Mr. S. R. Spiers, the Foujdar of Poonah, imputing to that officer acts of atrocious cruelty.

2. Mr. Inverarity has handed up his proceedings in five cases, and has also commented in a letter dated 26th May, on a further petition presented by one of the accusers.

3. The charges preferred belong to that class which are easy to be made, hard to prove, and harder to disprove. The accused will seldom be able to advance more than a general denial; it becomes therefore more imperatively the duty of that authority which has ultimately to pronounce judgment, to scrutinize rigidly the statements of the accusers and their witnesses, for the purpose of ascertaining whether they are consistent and conclusive.

4. There are peculiar difficulties which surround an inquiry of this nature; as the evidence will generally be almost exclusively that of prisoners, it will necessarily be the evidence of persons upon whom there is presumptively a taint, and of persons who imagine that charges against the Foujdar will benefit themselves. On the other hand, there is unfortunately only too much probability in the assertion, that the police may, whether from mistaken zeal, or from the force of immemorial custom, which in this country carries with it so much weight, resort to illegal and barbarous modes of extorting confessions; at the same time, the Right honourable the Governor in Council feels, that the more active and zealous a police functionary may be, the more enemies he creates, and the more exposed he is to accusations of the kind now before Government. In this conflict of probabilities, the duty of deciding on the truth or falsehood of a charge becomes one of no ordinary difficulty, especially as it is hardly possible to find a witness who will not endeavour to strengthen his statement, which may in the main be true, by a few collateral falsehoods.

5. In the consideration of the charges, the Right honourable the Governor in Council will first address himself to those which allege what may reasonably be termed "torture," or which impute acts of personal violence to the Foujdar himself; he will afterwards deal with those which allege general irregularity and oppression on the part of the Foujdar and his subordinates.

6. The first case is that of Balcrustna, he prefers the following charges of "torture" and personal violence against the Foujdar. 1st case, Balcrushna Gunesh.

1st. That the Foujdar caused him to be hung up to a hook in a room of the city police office, and while so hung up, to be beaten and threatened.

2d. That the Foujdar did, on another occasion, strike the accuser with his own hand.

7. The Right Honourable the Governor in Council considers it to be abundantly clear upon the evidence, that the first charge has no foundation in fact. The accuser, in three several statements, has given such different accounts of the circumstances connected with the alleged torture as to render his testimony utterly worthless. Omitting numerous minor discrepancies, it will be sufficient to notice, that on the first occasion, he stated that he had been hung with his head downwards, and before the Commissioner, that he had been hung with his

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feet downwards. The Commissioner has pointed out various discrepancies in the evidences of the prisoners who have been examined in support of the accuser's statement. To some of these, the Right honourable the Governor in Council is not disposed to attach much weight, for instance, it does not appear to the Right honourable the Governor in Council to be a discrepancy when a witness states that the cries of the accuser came from the third story, while the accuser states that he was beaten in the duftur room, which is on the second story, or when one witness states that he heard a cry, but no words, and another that he heard words; but the Right honourable the Governor in Council plainly sees that the sixth witness, Naroo Balal, has committed gross perjury, having been a prisoner in the tannah zillah up to the 15th of December, the day on which the accuser Balcrustna Gunesh made his confession, before which confession the alleged torture is stated to have been inflicted. It being clear, then, that the accuser has made statements which no ingenuity can reconcile with each other, or with truth; that one witness, by a concurrence of circumstances, can be proved to have committed perjury; that the other witnesses have failed to impress upon the Commissioner any conviction of their truthfulness, but on the contrary, have inspired him with grave distrust; the Right honourable the Governor in Council has no hesitation whatever in pronouncing that the charge has not been proved.

8. The second charge, that the Foujdar himself struck the accuser on one occasion, and threatened him on another, when his confession was being recorded, has not been supported by any adequate proof; and the latter part of the charge has been distinctly disproved by the testimony of respectable parties who happened to have been at the police office at the time, and who attested the confession.

9. The Right honourable the Governor in Council therefore fully concurs in the opinion of the Commissioner, that no part of the accusation of Balcrustna Gunesh has been proved.

2d case, Appa Bin Seteba, and two others.

10. The second accusation is preferred by Appa Bin Seteba and two others. The general charges will be considered hereafter, but Appa has stated that he was subjected to torture of a most abominable nature; to this allegation the attention of Government will be now confined.

11. To test the truth of Appa's statement the Government has before it the depositions of four classes of witnesses. Those of members of Appa's family, who speak to the injuries from which he was still suffering when he returned home; those of his fellow prisoners; those of the Foujdar's subordinate; those of the medical witnesses. The Right honourable the Governor in Council is clearly of opinion, that in an inquiry of this kind, the evidence of the first class of witnesses is of very little value on the one side, and the evidence of the third class of no value at all on the other side. The statements of these witnesses may be safely discarded from the discussion.

12. Next, with reference to the statements of Appa's fellow prisoners, the Commissioner has carefully pointed out the grave inconsistencies which their depositions exhibit, and has rejected them as totally unworthy of credit. In this opinion, the Right honourable the Governor in Council most fully concurs; he observes that in this case, the witnesses are more cautious than in the first case; only one man, Gunesh Ramchunder, states that he heard Appa's cries while he was being tortured; the others only depose to what they were told by Appa after he had been tortured; but some of the witnesses were not told by Appa, they merely overheard him in his cell, talking to himself of his injuries. This is highly improbable, and at all events it is not evidence that can be received against the accused. Many of the witnesses say that Appa only told them in general terms of his ill usage. It is not likely that if Appa had been subjected to the shameful cruelty of which he complains, he would have spoken in general terms of his having been beaten, he would have mentioned the specific iniquity practised on him.

13. Lastly, the medical testimony, that of Dr. Keith and of four "weids," is conclusive against the statement of Appa. He states, that among other cruelties the hair was dragged out of his head, and points to certain bald patches in support of his assertion. The medical witnessses state that the baldness is of long standing

standing and the result of disease. Dr. Keith also deposed, before the first assistant magistrate, who, previously to the appointment of the Commissioner, had commenced an inquiry, that there were no marks on the complainant's body of the specific ill-treatment which is alleged to have been practised. Under all these circumstances the Right honourable the Governor in Council is of opinion that Appa's allegation of torture is utterly false, and that the Foujdar is entitled to a full acquittal on this charge.

3d case, Gungadhur Bhugwunt.

14. The third case is that of Gungadhur Bhugwunt. He prefers several charges of oppression, and one of direct personal violence against the Foujdar. He states, that while under examination he was beaten and kicked by the Foujdar himself.

15. In support of this accusation the complainant has produced seven witnesses. Of these five are unable to state anything in support of Gungadhur's story. The sixth, Rungo Bhugwunt, states that he and all the prisoners were told by the accuser that Jendia, a police peon (he means Jendia Jemadar) had kicked him once, and struck him twice. The statement of Gungadhur being that it was the Foujdar who gave him one kick and two blows. The seventh witness, Reoochunt, was charged with the commission of the same crime as the accuser, his evidence should therefore, as the Commissioner very properly observes, be received with great caution. He states that Gungadhur told him on the following day of the assault committed by the Foujdar, and showed him his side red and inflamed. The blows being on the right side must have been delivered by the Foujdar's left hand, and the Right honourable the Governor in Council concurs with the Commissioner in considering it improbable that a man not naturally left-handed should be able with that hand to strike two blows which would leave a red mark visible on the following day. It will then be observed that the red and swollen side was only seen by one man among all the prisoners, and that man the accuser's accomplice. On such evidence as this, it is impossible to pronounce the charge to be proved, and the Right honourable the Governor in Council feels it a duty to record his opinion that the alleged assault was never committed.

4th case, Tatia Bin Malharee.

16. The fourth case is that of Tatia Bin Malharee. In this no charges of torture or direct personal violence are preferred against the Foujdar, the Right honourable the Governor in Council will therefore comment hereafter on the accusations of Tatia, and proceed to the consideration of the fifth case.

5th case, Anundee Kom Ranoo.

17. The fifth case is that of Anundee, the wife of Ranoo: she alleges, that after having been beaten by some sepoys, when the Foujdar was not present, she was, by the Foujdar's own order, with the view that evidence might be extorted from her against some persons charged with murder, hung up by the hands, feet, and hair of the head to a beam in a room of the ferackhana. She also prefers some other charges of oppressive treatment, in which she is joined by some other women. These will be considered hereafter.

18. The statement made by Anundee is, in the opinion of the Right honourable the Governor in Council, invalidated by the fact, that when the accusation was first made before the session judge, she never stated that she had been hung up by the hair of the head. She only stated that she was threatened with such treatment. This the Right honourable the Governor in Council regards as a discrepancy, which renders the evidence of Anundee absolutely worthless. If she had been treated in the manner she now states, she could not have omitted the principal circumstance when she first preferred her complaint. Before the session judge, when the alleged outrage was comparatively recent, she stated that threats of hanging her were employed. Before the Commissioner she stated that she had been actually hung up. This discrepancy is fatal to the charge of actual torture, and the Right honourable the Governor in Council has no hesitation in pronouncing his entire disbelief of this part of Anundee's statement.

19. The Right honourable the Governor in Council has now disposed of those parts of the charges preferred against Mr. Spier, which allege such ill-usage as can reasonably be termed "torture," and which impute acts of personal violence to that officer. On all these accusations the Right honourable the Governor in Council is able to record an acquittal, and he now proceeds to the consideration of the other charges; all of which are of a grave character.

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20. The charges may be thus stated:

1st. That untried prisoners were compelled to perform hard labour in the police office.

2d. That prisoners were confined in unwholesome cells.

3d. That prisoners were frequently detained in the ferraskana for protracted periods, without being sent before the magistrate for examination, and that eligible bail was offered, but refused.

4th. That prisoners were frequently taken up at night to the Foujdar's private quarters, and there exposed to threats and ill-treatment from the Foujdar's subordinates.

21. The first charge is admitted, and an explanation offered. It is stated, that no establishment being entertained for the daily cleansing of the prison, it was necessary that the prisoners should draw the water required for that purpose, and in answer to an allegation that prisoners were compelled to draw water for the use of the Foujdar, it is stated that the arrangement was originally made at the request of the prisoners themselves. The Right honourable the Governor in Council does not regard this explanation as satisfactory, but he considers that the blame more justly attaches to the magistrate and to the superintendent of police, who permitted arrangements in direct violation of the law to be continued, than to the Foujdar. It does not, however, appear that the practice was resorted to for purposes of intimidation or oppression, and the Right honourable the Governor in Council therefore considers it will be sufficient to express his extreme disapprobation of the system, and to direct its immediate discontinuance.

22. The second charge is also proved. The Commissioner very properly visited the cells himself, and pronounced them unfit for the confinement of prisoners. Here again the Right honourable the Governor in Council considers the magistrate and the superintendent of police more open to censure than the Foujdar. The superintendent of police is clearly shown to have seen the cells, and to have seen persons confined in them. The magistrate has also probably seen the cells; and, if not, he ought to have done so; upon them in the chief degree, and not upon the Foujdar, must the censure of the Government fall. The evil will be remedied under the instructions recently issued by Government for the proper construction and arrangement of places of custody for untried prisoners, but in the present instance no complaint would ever have been preferred if the magistrate and the superintendent of police had done their duty.

23. The third charge is considered by the Right honourable the Governor in Council to be amply proved. In the second case, that of the complaints preferred by Appa Bin Setiba, it is clearly shown that, immediately on his committal for trial before the session judge, Appa was released on security. The obvious inference therefore is, that he was able to give sufficient security to the Foujdar, if that officer had been willing to take it. But the worst case in this respect is the fourth, which has not yet been considered, the case of Tatia and Gunoo Bin Mulharee, who were kept, the one for 12, the other for 38 days in custody, upon the statement of a single man, unsupported by any other valid evidence. One of these men, Tatia, has also alleged that he was kept for five days without food. This statement, in its full breadth, the Right honourable the Governor in Council does not believe; but it is clear that Tatia was left without batta for two days, and was thus compelled to purchase some rice himself from the wani, which he was not allowed to cook, a circumstance most discreditable when it is considered that he was treated like a prisoner in all other respects.

24. The fourth charge is one of a very grave character, and the Right honourable the Governor in Council regrets that he is compelled to regard it as proved. He considers it to stand clear upon the evidence that it was a frequent custom for prisoners to be brought up for examination before the Foujdar at night time, and there subjected to threats, if not to ill usage. The evidence of Tatia Bin Malharee, in the fourth case, appears to the Right honourable the Governor in Council to be entitled to credit. It imputes no exaggerated cruelty, and may, in the opinion of the Right honourable the Governor in Council, be taken as a fair representation of the usual "modus operandi" in the Foujdar's quarters during these nocturnal inquiries. From Tatia's statement it would appear that he was carried

carried up to the third story of the police office at one o'clock, A.M. (it was probably at an earlier hour of the night), and then subjected to a close and protracted examination by the Foujdar, who at length being tired, said, "He won't be got to confess this way." That afterwards the Foujdar's carkoon, Ballajee Punt, took up the questioning, and in the Foujdar's presence, on Tatia's remaining firm in his denial, handcuffed him. That Ballajee Punt then renewed the examination, but without success, on which he gave the prisoner, Tatia, "a severe push," and then, while the prisoner was on the ground, tore his turban into strips. On the next day more abuse and threats of fetters were employed by Ballajee Punt, but not in the presence of the Foujdar.

25. These proceedings disclose a system of violence and intimidation, stopping short indeed of actual torture, but equally calculated illegally and unjustly to extort admissions of guilt from innocent persons. A man is taken in the middle of the night, out of his cell, to a remote part of the police office. The sepoys very probably industriously spread among the other prisoners that this has been done, and that their turn may happen next night. Shortly afterwards the sepoys tell the accomplices of the prisoner, that severe measures have been taken with their comrade upstairs, that he has confessed, and that they had better make a clean breast of it at once, and avoid similar treatment. The system is intended to act thus on others. Next, as to the prisoner himself, roused up in the middle of the night, bewildered, alone, impressed with the consciousness that should ill usage be resorted to his cries will only be heard by police sepoys, he finds himself rigorously pressed by a keen examination, conducted perhaps with much asperity of tone and aspect, his various statements are compared and contrasted; if he fails to answer quickly his attention is roused by a "severe push" from the knuckles of a carcoon or sepoy. If he remains firm, which not one out of 20 guilty men, and perhaps few innocent men would do under the circumstances, handcuffs are called for; and then perhaps the prisoner asks himself the significant question, whether the police cannot, in 10 minutes, inflict a worse punishment than the judge can inflict by imprisonment and hard labour for a year or two: a confession naturally follows.

26. It appears to the Right honourable the Governor in Council to have been intended by the police to induce among the prisoners a feeling, that a visit to the third story was an event to be dreaded. To this feeling, aggravated probably by some threats of subordinates acting on a temperament unnerved by opium and other vicious indulgences, the Right honourable the Governor in Council attributes the tragic incident to which Mr. Inverarity adverts in his report of the 26th May last, of the suicide of the Mussulman boy, who threw himself from the third story of the police office, and died a few days afterwards in hospital. The Right honourable the Governor in Council is utterly unable to understand why an event which might well excite suspicion that ill-treatment had been resorted to, was not brought to the notice of Government at the time. On this subject the magistrate must submit a full explanation.

27. Mr. Jones must also be directed to make due inquiry, and submit an explanation either from himself or from the superintendent of police, as to the statement of the Commissioner that some papers required by him in the investigation of the 5th case were not furnished to that gentleman when he applied for them.

28. With respect to the charges of ill-treatment preferred by Anundee, and some other women to which allusion is made in the 17th para., the Governor in Council is of opinion that their statements are hardly susceptible of legal proof, but that still the impression is left upon the mind after perusing all these papers, that when the Foujdar himself is harsh and irregular in his procedure, his subordinates are not likely to be behind-hand in following and in improving upon the example which he has set them.

29. The charge of illegally and unnecessarily detaining prisoners in the ferashkhan for protracted periods without bringing them up for examination and committal before a magistrate, seems to be fully established. The most glaring instances in the cases now before Government have been already incidentally referred to, those of Tatia and Gunnoo Bin Mulharee; but without going into details, the whole of these cases show that this illegal proceeding

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is the rule and not the exception at the faraskhana. Nothing can be more calculated to encourage the belief in the practice of torture, or to prevent its detection if it exists. The magistrate should be called upon to explain if, in every case where the detention of the prisoner before examination exceeded the time prescribed by law, a report was made to him, alleging the special reasons for such detention, and if so, whether the lengthened periods for which the prisoners had been thus detained did not lead him to bring the subject to the notice of the Foujdaree Adawlut? As the matter now stands, great blame appears to attach to both the Foujdar and the magistrate.

30. The Right honourable the Governor in Council, on a careful review of this important inquiry, considers that the charges to the extent specified in the preceding remarks have been established against Mr. Spiers. It becomes then his duty to consider in what manner he shall mark his sense of that officer's misconduct. He feels that an example is demanded as a warning to the police of this Presidency to abstain from illegal and oppressive treatment of prisoners under their custody. He therefore resolves to dismiss Mr. Spiers from the service of Government, and directs that this decision, together with the charges against Mr. Spiers, and the extent to which they have been established to the satisfaction of Government, be communicated to all magistrates and superintendents of police for their information, and for communication to their subordinates.

31. The Right honourable the Governor in Council also directs the dismissal of Ballajee Punt, the Foujdar's carkoon, who has been proved to have been an active instrument in the ill-treatment of several of the deponents in these cases, when before the police.

32. The commendations of Government may be expressed to Mr. Inverarity for the able manner in which he has acquitted himself of the duty assigned to him.

(signed) *Elphinstone.*
J. G Lumsden.
A. Malet.

26 July 1855.

EXTRACT Judicial Letter to Bombay; dated 30 January (No. 2) 1856.

Letter from, dated 13 August (No. 41) 1855. Charges of torture and violence preferred against the Poonah police.

32. You very properly submitted these charges for investigation under the provisions of Act XXXVII. of 1850, and appointed Mr. George Inverarity a Special Commissioner for that purpose. The duty seems to have been discharged by him in a very efficient and satisfactory manner. He found the charges of torture supported in some instances by perjury, and in others by inconsistent testimony, but in none by proof sufficient to entitle them to belief. Nevertheless the system pursued by Mr. Spiers, the Foujdar, towards persons charged with offences was cruel, irregular, and illegal in many respects; particularly with regard to the length of time during which prisoners were detained before being sent to the magistrate; to the place of their confinement, which was unfit for the purpose; and to a practice of calling them up for examination at a late hour of the night, and taking confessions from them. Proceedings of such a nature doubtless led to ill-usage and intimidation. This conclusion having been come to by the Commissioner and by your Government, you very properly passed a resolution, removing Mr. Spiers from the service of Government, and also dismissing the Foujdar's carcoon, Ballajee Punt. We entirely approve of the course adopted by you, and only regret that criminal proceedings were not instituted against those who were implicated in such transactions. We desire that you will convey our severe displeasure both to the magistrate and superintendent of police, for we feel persuaded that much of the ill-treatment of the prisoners was owing to the want of vigilant superintendence on their part, and we are above all surprised to find that they could have allowed any human beings to have been incarcerated in the horrible and unwholesome places of confinement so forcibly described by Mr. Inverarity.

33. We

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33. We observe that you state that "the evil will be remedied under instructions for the proper construction and arrangement of places of custody for untried prisoners."

34. These cells are evidently unfit for prisoners of any kind, and therefore we rely upon your assurance that they will not be again used till they have been enlarged and made suitable for the reception of prisoners.

— No. 2. —

ON THE GENERAL SUBJECT OF TORTURE AT THE PRESIDENCY. CASE OF TORTURE AT NASSICK.

Judicial Department, 3 October (No. 46) 1855.

To the Honourable the Court of Directors for the Affairs of the Honourable East India Company, London.

Honourable Sirs,

Torture:—On the general subject of, at this Presidency. Jud. Cons. 1855, 22 August, No. 7162A/63; October, No. 8610/14.

IN continuation of our despatch, No. 41, dated the 13th of August last, forwarding the proceedings of an inquiry into certain charges preferred against the Poonah police, we have the honour to transmit to your Honourable Court the accompanying copy of a minute recorded by our Honourable President, under date the 20th of July last, on the subject of torture generally at this Presidency, and of the correspondence to which it gave rise.

2. In referring your Honourable Court to these proceedings, it will be sufficient in this place to explain that the case cited in example, in para. 3 of our Honourable President's minute, is one in which a number of Nassick police were charged with having tortured a prisoner to death. These proceedings (which are very voluminous) will be forwarded to your Honourable Court by the next opportunity, as will also those regarding the removal of the magistrate of Poonah alluded to in the second para. of the further minute recorded by our Honourable President on the 29th ultimo.

We have, &c.
(signed) *Elphinstone.*
J. G. Lumsden.
A. Malet.

Bombay Castle, 3 October 1855.

EXTRACT Judicial Letter from Bombay; dated 17 October (No. 51) 1855.

Torture:—Proceedings relative to the Nassick torture case. Jud. Cons, 1855, 3 March, No. 1038/40; 25 July, No. 6505/8; 22 August, No. 7473/75; 5 September, No. 7768/70B, and 7771/73; 5 October, No. 8590/93.

1. REFERRING to para. 2 of our despatch, No. 46, dated the 3d October 1855, on the subject of torture generally at this Presidency, we beg to transmit copies of the proceedings held on the trial of certain members of the Nassick police for the murder of a prisoner in their custody, whom they had tortured with the view of extracting from him a confession of guilt.

No. 7770.

2. For the sentiments of this Government on the subject, we beg to refer your Honourable Court to our resolution of the 15th August, a copy of which accompanies.

EXTRACT from the Proceedings of Government in the Judicial Department.

(No. 173 of 1854.)

LETTER from Lieutenant *Alexander Bell*, Assistant Superintendent of Police, Nassick, to the Secretary to Government, Judicial Department, Police, Bombay.

Assistant Superintendent of Police Office,
Sir, Camp Sinnur, 27 December 1854.

Jud. Cons. 1855, 3 March, No. 1038.

I HAVE the honour to report, for the information of the Right honourable the Governor in Council, that the case of torture, for the trial of which the session judge of Ahmednuggur was sent to Nassick by the judges of the Suddur

Bombay.

Foujdaree Adawlut, under orders from Government, was brought to a close yesterday, and the seven prisoners arraigned before the Court found "guilty," as follows: Prisoners, No. 1 to 6, as per margin, of "culpable homicide," under the provisions of Regulation XIV. sect. 27, of A. D. 1827, and sentenced under the same regulation and section, to undergo four years and two months imprisonment, *i. e.*, four years with hard labour, and two months in solitary confinement, the first and last seven days of each month to be on conjee diet; and prisoner, No. 7, as per margin, found "guilty" under the provisions of Regulation XIV. sect. 1, clause 5, of A. D. 1827, of aiding and assisting in the above crime, and sentenced under the provisions of sect. 27, and sect. 1, clause 5, of Regulation XIV. of A. D. 1827, to two years and two months imprisonment, *i. e.*, two years with hard labour, and two months in solitary confinement, the first and last seven days of each month to be on conjee diet.

No. 1. Wakajee Wd. Ramjee Police Patell.
No. 2. Suddoojee Wd. Ramjee Naik.
No. 3. Ramsing Wd. Sham Sing.
No. 4. Bowan Sing Wd. Natha Sing.
No. 5. Dhoudee Wd. Rayajee.
No. 6. Guttoo Wd. Beojee.

No. 7. Bappoo Wd. Hybutrao.

2. Circulars detailing the offence, and mentioning the sentence awarded, have been forwarded to all the joint police officers under my orders, to be read and explained to all the policemen in the sub-collectorate, and I confidently hope that the example made of these men will deter others from ever ill-treating prisoners in future.

I have, &c.
(signed) *Alexander Bell*, Lieutenant,
Assistant Superintendent of Police, Nassick.

Jud. Cons. 1855, 5 September, No. 7768.

LETTER from the First Assistant Registrar of the Sudder Foujdaree Adawlut; dated 29 May 1855, No. 1334.

Sir,

Present: A. Remington, Esq., M. Larken, Esq., and W. H. Harrison, Esq.

I AM directed by the judges of the Sudder Foujdaree Adawlut to forward, for the purpose of being laid before the Right honourable the Governor in Council, the documents noted in the margin,* in the case of the prisoners Wakajee Wullud Ramjee and others, together with an extract from the proceedings of the Court, of the 17th January, 28th March, 4th April, and 2d and 16th May 1855.

2. This is done, I am directed to state, in view to attracting the attention of Government to the conduct of the Nassick native police in this case, and to soliciting their notice to the necessity for medical officers being proficient in the science of medical jurisprudence, in the hope entertained by the Court that this study may be a stringent test for the examination of candidates for the medical service.

RESOLUTION.

1. THE conviction and sentence of the prisoner Bappoo Wullud Hybuttee are annulled, and he is to be discharged, there being nothing to show that he counselled, assisted or interfered in the commission of the offence of which the other prisoners were convicted.

2. The petition of the other six prisoners is rejected.

3. While the Court find on the proceedings submitted reason to commend the late joint magistrate, Mr. Turquand, for the diligent prosecution of the inquiry which led to the trial, they must express their disappointment at finding the facts of the case imperfectly investigated by the session judge.

4. It was his duty to have put beyond any question the cause of Gunnoo's death, before proceeding with the evidence which was to fix the assault upon the prisoners. But the medical testimony was recorded replete with confusion, and

* 1. Original extract from the proceedings of the session judge of Ahmednuggur; 2. Original proceedings of the acting joint magistrate of Nassick.

and essential omissions are apparent, and had there not been manifest to the Suddur Court other evidence sufficient to corroborate Gunnoo's story, and so to establish the cause of death, and to connect it with the acts of the prisoners, the conviction could not have been upheld.

5. In respect to the evidence for the defence, the session judge records extraordinary reasons for refusing credence to much of it; for instance, he rejects the evidence of Luteeb and Nunny, because they are prostitutes, and because one of them possibly prostituted herself to the prisoners every day, an assumption which there is no trace of evidence to justify.

6. Even when in the course of the evidence for the prosecution anything was elicited in favour of the prisoners, it received little consideration, and however exaggerated the prisoners' defence may be, the treatment of the case by the session judge had the effect of strengthening their hands.

7. The Court cannot withhold their opinion that proper attention was not paid to the deceased, Gunnoo, by the medical officers and the parties who had him in custody; it is impossible to believe that the symptoms of his wretched condition ought not earlier to have called for medical treatment. He was a weakly lad, over-fatigued and agitated, and suffering from the events of the day of his apprehension, and however criminal he may have been, his state must have required those offices of humanity which it is clear he did not obtain till too late.

8. The Court consider that the proceedings in this case should be laid before Government, with the object of drawing their attention to the conduct of the Nassick native police, of all grades, who are connected with this inquiry; and also to solicit their attention to the necessity for their medical officers being proficient in the science of medical jurisprudence, with the hope of the Court that this study may be a stringent test for the examination of candidates for the medical service.

Resolution by the Honourable Board.

No. 7770.

The question for consideration before the session judge was whether the prisoners Nos. 1 to 6 caused the death of Gunoo in the manner described in the indictment, or whether Gunoo had died from the effects of a disease by which he had previously been afflicted. The session judge held that the prisoners Nos. 1 to 6 had caused the death of the deceased, as stated in the charge. Having arrived at this conclusion, the Right honourable the Governor in Council is unable to understand why the session judge did not find the prisoners guilty of "murder;" the Right honourable the Governor in Council is clearly of opinion that if the prisoners did perpetrate the act which forms the subject of the charge, they were guilty of "murder," and that the punishment awarded by the session judge is utterly inadequate to their crime.

2. The judges, in laying their proceedings before Government, have drawn the attention of the Right honourable the Governor in Council to the conduct of the Nassick native police, and to the necessity which exists for medical officers being proficient in the science of medical jurisprudence.

3. The Right honourable the Governor in Council considers that the enormity of the crime of which the prisoners Nos. 1 to 6 have been convicted, cannot be exaggerated, and he deeply laments that the punishment awarded is far too light to operate as a warning to the police subordinates in Nassick and throughout the Presidency.

4. The conduct of the Foujdar Shaik Mahomed Wullud Kazee Mahomed demands the severe notice of Government. The Right honourable the Governor in Council, without affirming it was the intention of this officer that atrocious cruelty should be practised, cannot resist the conclusion that when the Foujdar ordered the unfortunate prisoner to be taken aside, he intended that a confession should be extorted from him by threats and ill usage; holding this opinion, the Right honourable the Governor in Council has a plain duty to perform, which is to direct that the Foujdar be dismissed from the service of Government.

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5. The suggestion of the judges of the Sudur Foujdaree Adawlut that a proficiency in medical jurisprudence should form one of the tests of examination in the competition for medical appointments in the Honourable Company's service, appears to the Right honourable the Governor in Council to be eminently judicious, although it is believed that a knowledge of this subject is already required by the College of Surgeons, and the other examining bodies in Great Britain. It should be submitted for the consideration of the Honourable the Court of Directors. It has already been recommended that this subject should be included in the examination for medical degrees in the university about to be established at Bombay.

6. The Governor in Council cannot avoid remarking that in the present case, if the evidence of the cause of death is less complete than it might have been, this is not so much to be attributed to the want of knowledge of medical jurisprudence on the part of Dr. Pelly, as to the omission of the session judge to put such questions to him as would probably have elicited the required information.

7. Such parts of the minutes and resolution of the judges as relate to this suggestion, to the defective character of the medical evidence on this trial, and to the absence of proper attention to the deceased Gunnoo by the medical officers, should be sent to the Medical Board, with a request that Government may be favoured with the opinion of that authority on the subjects under discussion.

8. The Right honourable the Governor in Council fully concurs in the opinion expressed by the judges, of the zeal and ability displayed by Mr. Turquand, the joint magistrate, in the preliminary investigation of this crime.

9. The general subject of "torture" has occupied and is still occupying the attention of his Lordship in Council, and a reference has been recently made to the judges of the Sudder as to the state of the law on the subject; his Lordship in Council will therefore reserve his opinion as to the measures which should be adopted for the suppression of this horrible system, until he has received the information required from the judges.

15 August 1855. (signed) *Elphinstone.*

MINUTE by the Honourable Mr. *Lumsden.*

No. 7770 A. I SHARE in the astonishment expressed by the Right honourable the President that the judge who convicted the prisoners of having caused the death of the deceased by torture, should not have convicted them of murder.

I concur in the dismissal of the Foujdar.

I concur entirely in the observation that the want of evidence as to the cause of Gunnoo's death, appears principally due to the omission of the session judge to question the medical officer, Dr. Pelly, properly on the subject. The censures of the Sudder judges in this respect appear to me to be eminently deserved; it is shown that though a conviction has been recorded and sustained, that the cause of Gunnoo's death has not been put beyond a doubt; I perfectly, however, concur in the justice and soundness of the conclusion, that the accused by their acts did cause his death.

18 August 1855. (signed) *J. G. Lumsden.*

MINUTE by the Honourable Mr. *Malet.*

No. 7770 B. I CONCUR entirely in the remarks of the Right honourable the President.

(signed) *A. Malet.*

EXTRACT from the Proceedings of Government in the Judicial Department.

MINUTE by the Right Honourable the Governor

1. I DEEM it right to offer a few remarks, which have suggested themselves to me from a perusal of the Madras Torture Commissioners' Report. Jud. Cons. 1855, 22 August, No. 7162 A.

2. There can be no doubt of the fact that torture generally of a petty, but sometimes of an aggravated character, is still commonly resorted to by the native subordinate officials under the Madras Presidency as a means of procuring evidence of crime, of obtaining the payment of revenue, and perhaps, most frequently of all, of extorting a black mail upon their own account.

3. There is too much reason to fear that the same system, though I would hope not to an equal extent, prevails in this Presidency.

Unfortunately, we have only too recently had an example of torture of a most cruel and revolting description, inflicted by the police upon a prisoner charged with the commission of a heinous offence. Other instances also might be quoted, in which police officers have been accused of resorting to this nefarious practice; in short, we cannot yet congratulate ourselves upon exemption from an evil which has existed no doubt from time immemorial, not only in every part of India, but throughout the length and breadth of Asia.

4. The Madras Commission has no doubt been of use in establishing the fact, that the practice still prevails, although mitigated in its application by the fear of detection, and by the knowledge that if detected it will be punished; but this fact having been once established, it does not appear to me to be necessary (corroborated as it unfortunately is by the example to which I have just alluded, and by other instances,) to institute any further inquiry to arrive at a similar result in this Presidency.

5. I assume that the existence of the evil may be admitted, and that what we have now to consider is how it can be most effectually repressed and prevented.

6. The Madras Commission has largely quoted from the despatch of the Honourable Court of Directors to the Madras Government, dated the 11th of April 1826; but they have been somewhat sparing in their quotations from the reply of the Government of Madras. I think, however, that in considering the subject with a view to the discovery of a remedy for the evils there described, the opinions of such men as Sir Thomas Munro and of his council should not have been overlooked:—

"8. Your Honourable Court have animadverted at considerable length, and with just severity, upon the conduct of native police officers in extorting confessions from prisoners, and appear to apprehend that they are not sufficiently under control. In those cases where police officers have been convicted of practising cruelty on persons in their custody, it is satisfactory to know that they have been severely punished; but our belief is, that, in a great proportion of the cases where violence is charged, none has been used. It has now become so generally a practice with prisoners to bring forward at some stage of the trial a charge of having been compelled to confess the crime before the police officers, and witnesses in support of their assertions are so easily found among their relations and friends, that the tahsildars are cautious to avoid the appearance of anything which can in any way be construed into an undue use of the authority vested in them.

"9. As a proof how easily witnesses can be procured in support of accusations of violence, and how readily their evidence is received, we beg leave to refer your Honourable Court to a case brought to our notice by the magistrate of Coimbatoor, and recorded in our Consultation of the 3rd April. It is there stated, that certain prisoners charged with having committed an atrocious murder in open day confessed the crime before the police, and when brought before the criminal judge denied it, and asserted that their depositions had been extorted; but alleged that they had no evidence to prove that they had

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been ill-used by the police. Before the Court of Circuit, however, they called several witnesses to prove the fact, and although the depositions of the witnesses differed in all material points from the statement made by the prisoners, their evidence was received, and an opinion strongly condemning the conduct of the police was recorded by the Court, and communicated to the magistrate in order that the parties accused might be severely punished. We believe that in this and in most other cases, in which cruelty is charged against the police, there is not the slightest ground for believing that any has been practised; and it is matter of surprise that police officers, restrained on the one hand by the dread of being dragged before the Court to answer to charges of imputed irregularity for misconduct, and stimulated on the other by the fear of drawing down upon themselves the displeasure of the magistrate, in the event of any apparent remissness, discharge their duties so creditably and efficiently. The increasing tranquillity of the country, and the gradual diminution of organised bands of robbers, sufficiently prove the useful and meritorious services of the police. In the Zilla of Ganjam, the notorious freebooter Maharta and his principal accomplices, against whom a military force had on several former occasions been unsuccessfully employed, have lately been apprehended by the police alone, and the magistrate of Guntoor has reported that the principal and most troublesome, Chenchoo, Bochee, Naick, and others, had been induced to surrender themselves, and have been brought to a civil and peaceable mode of livelihood, which he justly observes could not have been effected, unless the country had been under one person in the offices of collector and magistrate; while to the southward the notorious gang of robbers, Appoo and Cantoun, who had for ssme years past infested the districts of Trichinopoly and Salem, have been at last secured, and their haunts and associates discovered. There are now no districts in which gangs of robbers are known to exist, and it is believed that at no former period was the sense of security of persons and property more confirmed than it is at present.

"10. With regard to the control which is exercised over the police, we are not aware that any change could render it more efficient than it is at present; and we trust that your Honourable Court, on referring to the explanation given in the 46, 47, 48, 49 and 50 paragraphs of our proceedings, will concur with us in that opinion; but if on further experience it should be found that some alteration is necessary, we think it ought to be made, not by giving any new power to the provincial courts, but by authorising the judge on circuit to pass orders on petitions from every zilla within his range during the whole course of his circuit, without reference to the particular district in which he may be at the time.

"11. We are satisfied that more courts and more intermediate checks over the police are not wanted for the protection of the ryots from exactions, and of the inhabitants in general from theft and robbery; but more systematic experience, and consequently more aptitude among our local officers, both native and European, for the discharge of their several duties; we therefore entirely agree with your Honourable Court that a system of training is as necessary in the judicial as in the revenue line, and that an intermediate class of functionaries, similar to that already established in the revenue, should be introduced into the judicial department."

(This letter is signed by Sir Thomas Munro, Sir George Walker, and Mr. Ogilvie.)

Resolution of the Madras Government, enclosed in their Letter of 27th April 1827.

"19. It is no doubt too certain that many irregularities are practised in obtaining confessions, and that in some instances atrocious acts are committed; but when the great number of prisoners apprehended is considered, and the habits of the people, themselves always accustomed to compulsion when there is suspicion, how difficult it is to eradicate such habits, and how small the proportion of cases in which violence has been used is to the whole mass, the number of these acts is hardly greater than was to be expected, and is every day diminishing. The prohibition against forced confessions is known to all the

the native police officers, and it seems extraordinary that they should ever employ force; for they know that they have much to lose and nothing to gain by such conduct. But some of them, in spite of every injunction to the contrary, when they believe that the prisoner is guilty, think it right to extort confession. Police officers in general, however, will not gratuitously expose themselves to loss of place and their families to ruin by such conduct. Prisoners are sometimes hurt in attempting to escape, and notorious offenders are sometimes roughly treated by the villagers who assist in securing them. The marks thus caused are sometimes exhibited as evidence of extorted confession. Whenever there is proof of force having been used for such a purpose, the police officer should be invariably punished, and dismissed from the service. But great caution is necessary in believing the accusation of force; it should always be very clearly established before it is entitled to credit. Police matters are so public that the charge of violence, when true, can hardly be concealed. There are two things in which there is constantly very great exaggeration, the number of persons concerned in a robbery, and the number of extorted confessions: only a small part of the alleged cases of extorted confessions are ever substantiated. The Circuit Court say that the proof is difficult; but it is believed that, when true, the proof is easy, and that the difficulty lies in by far the greater part being unfounded. The charge is easily made, and the effect of its receiving belief from the Court of Circuit is so generally known that offenders very frequently bring it forward in some stage of the trial. It is a point which demands the greatest possible circumspection on the part of the magistrate. If he lets the person escape who has been guilty of extorting confession, he encourages one of the worst offences against the administration of justice: if he punishes the police officer charged with this offence in only a very few instances on false evidence, he will effectually deter the whole body from the jealous exercise of their duty, and let loose a host of robbers upon the community. No number of zillah courts would prevent the excess complained of among the native police. Were we to double the number it would have no effect in restraining them; they can only be checked and effectually put down by the vigilance of the magistrates; by never letting them pass unpunished; by the police officers finding from experience that they never could gain anything from the use of force, but would certainly suffer disgrace and punishment, and by time working a change in their habits.

"120. The irregularities committed by the police are now much more difficult of concealment than when the offices of zillah judge and magistrate were united in one person, confined to a fixed station; and though too many of the police officers are still frequently guilty of such irregularities, yet the conduct of the great body of them is highly useful and meritorious, and its effects are becoming every day more evident in the increasing tranquillity of the country, and the gradual diminution of organised bands of robbers. The amelioration, though occasionally retarded by the misconduct of local officers, continues to advance, and is gradually diminishing the number of crimes.

"121. The cruelties reported by the circuit judge to have been inflicted on certain inhabitants by the Parbutti and Holkars in Malabar, referred to in the 23rd and 24th paragraphs of the Honourable the Court's letter, were investigated by the collector, and found to be without proof."

7. I have quoted these long passages not merely to show that former Governments of Madras have not been inattentive to the subject of the present Report, but to show the difficulty which there is in dealing with that subject, and to express my concurrence in much that these extracts contain.

8. I would especially notice the difficulties pointed out in the 19th paragraph of these Resolutions of the Government of Sir Thomas Munro; the dilemma is one from which it is impossible to escape:—

"If the magistrate lets the person escape who has been guilty of extorting confession, he encourages one of the worst offences against the administration of justice; if he punishes the police officer in only a very few instances upon false evidence, he will effectually deter the whole body from the zealous exercise of their duty."

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9. In considering, therefore, the measures which have been proposed by the Madras Torture Commission, it is essential that we should not lose sight of this difficulty. These are:

1st. The larger employment of European agency.

2nd. The amendment of the law.

3rd. The separation of revenue from police powers.

4th. The subjection of the police to separate European authority.

The police in each district being commanded by a European officer who can give his undivided time and energies to this one object.

10. First, the larger employment of European agency subsequently explained as "uncovenanted" agency, which it is proposed to place at Madras upon an improved footing, more nearly approaching that of the other Presidencies.

11. To this remedy I would only object that it is by no means clear that the larger employment of European and uncovenanted agency in the other Presidencies has had the effect of suppressing these practices.

12. I need only refer to the horrible case at Nassick, where the unfortunate sufferer was examined by the superintendent of police, Lieutenant Bell, and never complained of the ill-treatment he had received, although he was actually dying of it. I may also quote the case of Mr. Spiers, the Foujdar of Poonah, who, although acquitted of employing actual torture, has been proved to have been in the habit of extorting confessions by acting on the fears of the accused, by having them taken from their cells in the middle of the night to a distant part of the gaol, where they were subjected to a severe examination, accompanied by threats, pushes, and handcuffing. The same officer has been proved to have arbitrarily refused bail in cases in which bailable offences were alone involved, and to have flagrantly disregarded the regulations which prescribe the early transmission of prisoners to the magisterial authorities. The conduct of this officer has been so highly reprehensible that we have been compelled to order his dismissal. I allude to these cases to show that these practices will not be prevented by simply having recourse to a different species of agency.

13. If, indeed, it be intended by this recommendation to urge the expediency of making a large addition to the amount of European agency, such addition being exempted from the examinations to which the candidates for the covenanted services are subject, I should strongly object to the measure, which it appears to me would be most unjust to the educated youth of India, who, after having qualified themselves to fill higher offices than any which have been heretofore open to them, would find even the share of power and authority, which has always been left to native magistrates, curtailed by the intervention of a new body of Europeans whose superiority over themselves would be, in many respects, at least doubtful. Such an increase of European agency could have no other effect than to damp the legitimate ambition of the rising generation of natives, and would go far to confirm the suspicion so recklessly instilled by certain writers and speakers, that our Government is not really anxious to advance the natives of this country, even when they deserve advancement, and that it seeks only to increase the amount of place and patronage which it may distribute among our own countrymen.

14. The second proposed remedy is the amendment of the law.

15. Under this Presidency the practice of torture is not acknowledged by any express enactment pointed against it; but there are several under which native officials in the Revenue, Judicial and Police Departments respectively may be punished for misconduct and abuse of authority generally.

16. By Regulation II. of 1827, sect. 36, it is provided, with reference to native officers of civil courts, that "Bribery, extortion, and generally all acts of abuse or misapplication of authority or neglect of duty, shall be punishable as criminal offences with fine and imprisonment, without hard labour, for a period not

not exceeding seven years. Punishments adjudged under this Act shall not preclude any other prosecution, civil or criminal, to which the offender may be liable."

17. By Regulation XII. of 1827, chap. 1, sect. 18, the same provisions are made applicable to police officers.

18. By Regulation XIII. of 1827, chap. 1, sect. 10, the officers of criminal courts are made punishable in the same manner as enacted respecting such officers in their civil capacity.

19. By Regulation XVII. of 1827, chap. 4, sect. 16, undue exactions by revenue officers are declared criminal offences, and liable to punishment by imprisonment not exceeding seven years, and a fine not exceeding ten times the amount of the undue exaction.

20. There is further a general enactment in Regulation XIV. of 1827, chap. 5, which, providing against assaults, would include all species of abuse of authority whereby bodily suffering was inflicted; and under the provisions of which any officer not coming within the scope of the above-recited enactments might, I presume, be indicted; it declares that "any unlawful mode of wilfully producing bodily injury or suffering, though not actually an assault, shall be punishable according to the consequences produced, in the same way and to the same extent as an assault;" that is with fine, imprisonment and flogging, or any of these combined.

21. These appear to be all the penal enactments bearing on this subject in the Bombay Regulations and Acts. It may be doubted, perhaps, whether the provision against undue exactions by revenue officers is sufficiently broadly worded to include all the cases of abuse of authority which are comprised in the enactments relating to police and judicial officers, for it may be very possible that unfair means may be employed to compel payment which cannot be denominated undue exactions, but in this case the offending party might always be indicted under Regulation XIV. for an assault, and his conviction and punishment equally secured.

22. There is another very important provision in the Regulations which, although it has no penal consequences attached to it, ought to be in all cases very strictly enforced. This is contained in Regulation XII. of 1827, chap. 5, sect. 43, clause 4, and in the same Regulation, chap. 6, sect. 50, clause 4, whereby the district and village police are enjoined not to delay the transmission of prisoners to the magistrate beyond 48 and 24 hours respectively, unless for indispensable reasons, which must always be reported with the case, or before it, to the magistrate.

23. I am inclined to believe, that, on the whole, the state of the law in general on this subject is far from unsatisfactory, that its provisions are well calculated, as far as mere legal enactments can be effective for such a purpose, to aid in putting down the malpractices complained of, and that little reform or amendment will be required. But in order to be effective the law must be vigorously acted up to, and, above all, the provision against the detention of prisoners in custody for a needless length of time must be strictly and universally enforced. But although these are the results which I have arrived at from the consideration of the law as it stands, I do not think that we are in such a good position to judge of our wants and requirements in this respect, as the judges of the Sudder, whose practical experience of the working of the law enables them to pronounce upon it with greater certainty; I propose, therefore, to refer this part of the subject to them for their report, and for any suggestions that they may wish to make as to the advisability of new enactments to render the law more effective.

24. The third and fourth recommendations of the Madras Torture Commission may be said to have had a fair trial in this Presidency; but I fear that we cannot flatter ourselves with the belief that they have succeeded in effecting the object for which they are now proposed.

25. It remains for me to state my own opinions upon this painful subject, painful because I am not sanguine that any measures that can be taken will

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have the effect of putting down at once and for ever a practice repugnant both to justice and to common humanity, but which is not yet viewed in its proper light by the people of this country. In time, no doubt, we shall succeed in extirpating this, as we have done greater evils; and a Government which destroyed the Pindarees, by far the most powerful organisation which the world ever saw for the purposes of plunder, commonly extorted by the most atrocious tortures; which, in more recent times, has succeeded in suppressing suttee and infanticide; which has cleared India of the Thugs, and has arrested, even in the depths of the inaccessible jungles and fastnesses of Orissa, the horrid rite of human sacrifice, will not always be baffled in its endeavours to restrain the malpractices of its own servants.

26. The only measures, however, which I can suggest are, 1st. Strict and invariable attention to the Regulations to which I have already alluded (XII. of 1827, chap. 5, sect. 43, and chap. 6, sect. 50), whereby the district and village police are enjoined not to delay the transmission of prisoners beyond 48 and 24 hours respectively. I observe that the old orders of the court of Foujdaree Adawlut at Madras repeatedly prescribe the same course; see especially Appendix B. of the Madras Torture Report. I am not going to say that if these orders had been attended to in every case no instance of torture could have occurred. The Nassick case at once forbids the supposition; but I do believe that nothing would tend more to eradicate the habit of torturing prisoners, with a view to extort confessions, than a rigid enforcement of this Regulation.

27. 2dly. The infliction, in every proved case of torture, of the heaviest penalty authorised by law. Here, too, I am met by examples of severity, which prove that although the fear of punishment may have some deterring effect, yet it will not suffice to extirpate the evil. I find the following paragraph in the Resolutions in the Government of Madras, from which I have already made some extracts:

"18. The Honourable Court have animadverted in paragraphs 26 to 29 of their despatch at considerable length, and with just severity, upon the conduct of the native police officers in extorting confessions from prisoners; and they specify some very atrocious cases, among which are the murder of a man by a peon in endeavouring to extort confession, and the maiming of a prisoner by a patail in torturing him for the same object. In both cases, however, it is satisfactory to know that the offenders were convicted and punished, the one capitally, and the other with two years' imprisonment with hard labour."

28. I have already given my opinion upon the recommendation of the Madras Commission as to the employment of a larger amount of European agency; but there is one species of agency to which I have not alluded, and from which I anticipate the most effectual, though not the most immediate, results. I mean the agency of the schoolmaster. I am persuaded that if the practice of torture, and corruption, and all those kindred evils which are apparently inseparable from the possession of power by the lower grades, at least of native officials, are ever to be eradicated, it can only be done by teaching the mass of the people their rights, and by showing them how they are to be defended. The reluctance of the ryots to come forward to give evidence against those who are guilty of those malpractices does not proceed solely from apathy. The Madras Commissioners remark (paragraph 70), that "the natives will often travel at great personal loss and inconvenience to make complaints even of a very petty nature to the collector or sub-collector." There can be no doubt that this is the case; why then do they not come forward, when black mail is wrung from them, or confessions extorted by the application of torture? Simply because such has ever been the custom of the country, and they know no better than to submit. Enlighten them as to their rights, and employ, if you will, your educational machinery, not only for the diffusion of this branch of useful knowledge, but for the detection and exposure of the particular class of malpractices to which our attention has now been called.

29. These, and the adoption of any amendment of the law which may be recommended by the Sudder, and which may, upon consideration, appear unobjectionable and expedient, are the only suggestions which I have to offer. If concurred in by the Board, they will be easily carried into effect. If any others occur

occur to my honourable colleagues, I trust they will place them upon record, and that upon a question of so much importance, and which is likely to produce so great a sensation on the public mind at home, we shall be able, at no distant date, to transmit our collective sentiments to the Honourable Court of Directors and the Government of India. Bombay.

20 July 1855. (signed) *Elphinstone.*

MINUTE by the Honourable Mr. *Lumsden.*

I HAVE only at present to express my entire concurrence in these remarks by our Right honourable President. I will defer any further remarks or suggestions which I may have to offer until we receive a reply to the proposed reference to the Sudder, and the subject is again brought under our notice. No. 7162 B.

27 July 1855. (signed) *J. G. Lumsden.*

MINUTE by the Honourable Mr. *Malet.*

I CONCUR in the reference in the first instance to the judges of the Sudder Adawlut. No. 7162 C.

27 July 1855. (signed) *A. Malet.*

No. 3562 of 1855, Judicial Department.

LETTER to the Registrar of the Sudder Adawlut.

Sir,

I AM directed to transmit to you the accompanying printed copy of the "Report of the Commissioners for the investigation of alleged cases of torture" in the Madras Presidency, with an extract (paras. 1 to 5, and 14 to 23) of a minute on the subject by the Right honourable the Governor, dated 20th ultimo, and concurred in by the Honourable Board, and to request that the judges will be good enough to favour Government with their opinion, and report on the points indicated at the close of para. 23 thereof. No. 7163.

You will have the goodness to return with your reply the printed Report of the Madras Commission now sent to you.

I have, &c.

Bombay Castle, 10 August 1855. (signed) *H. L. Anderson,* Secretary to Government.

From the Registrar of the Sudder Foujdaree Adawlut.

Sir,

I HAVE the honour, by direction of the judges of the Sudder Foujdaree Adawlut, to acknowledge the receipt of your letter, No. 3562, dated 10th ultimo, with enclosures, requesting the opinion of the Court as to the advisability of new enactments to render the law for punishing cases of torture more effective. Present: A. Remington, Esq., M. Larken, Esq., and W. H. Harrison, Esq. 1855, Jud. Cons., October. No. 8610.

2. In reply, I am desired to state that the Court are of opinion that the law, as it now stands, is ample to meet any offence committed by the police, in eliciting confession by improper means, as well as to punish revenue officers guilty of extorting illicit demands by the application of torture.

3. The judges consider that a great deal may be expected from the superintendents of police in checking the practice of extorting confession, and that the best protection against native officials in this respect will be found in diligence and zeal with which these officers perform their duties under the immediate

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control of Government, without exhibiting an over-anxiety for convictions, and so encouraging their subordinates to obtain confession from accused persons at any cost.

4. In respect to illegal means to collect the revenue, the Court are of opinion that they are seldom resorted to. But should unfortunately any case occur, the interpretation on section 8, Regulation XII. of 1827, of the 28th April 1836, will be found to point to a suitable punishment. Government, however, have taken the most effectual means of preventing any excess of this kind by introducing a light and equitable assessment, so as to enable the collectors to realise the year's revenue within the year, which the Court have reason to believe is now done in the Dharwar Collectorate, and that of Broach, where the rates have been revised under the able superintendence of Major Wingate and the late Messrs. Davies and Goldsmid.

5. The Court, I am desired to state, do not therefore consider any legislative enactment is called for to render the law more effective.

6. They have, however, issued a circular to all the magistrates, reminding them that they are held answerable for the responsibility imposed on them by law, of requiring that district police officers shall not retain prisoners in their custody beyond 48 hours, except for indispensable causes which they are bound to set forth fully in the quarterly returns they render to the Court under the circular order, No. 347.

7. The printed Report of the Madras Commission is herewith returned as requested in your letter under reply.

I have, &c.

Bombay, Sudder Foujdaree Adawlut, 7 September 1855.

(signed) *M. A. Coxon*, Registrar.

MINUTE by the Right Honourable the Governor.

No. 8611.

THE papers should now be sent to my honourable colleagues. I may have something to add to the observations which I have recorded, but I will defer doing so until I have had an opportunity of seeing their remarks.

(signed) *Elphinstone.*

10 September 1855.

MINUTE by the Honourable Mr. *Lumsden.*

No. 8612.

I AM disposed to think with the Sudder, that no new legislative enactment is required to suppress recourse to torture by our native police officials, with a view to procure confessions. I believe that no mere enactment, however stringent, will of itself lead to a total discontinuance of the practice. The present laws, if properly enforced, are however sufficiently severe and comprehensive for the requirements of the case. The improvement which we desire to see in our native police, implies an entire change in their views and opinions as to the manner, and even as to the matter, in obtaining evidence for criminal prosecutions. This then must be the work of time, and it is chiefly to the progress of education that we must look for the substitution in the native mind of just and enlightened notions of evidence in the room of bygone traditions and practice.

2. It may be of use to inquire, while devising a present remedy for the evil, how the practice of seeking for evidence of the guilt of the suspected in their forced confessions originated, and how it is found so difficult to eradicate it under the humane and civilized government? For we shall find, that, if it is deeply rooted, the cause is not to be looked for alone in that propensity to resort to violence for the accomplishment of its objects, which is the characteristic of all barbarous and despotic governments like the one to which we have succeeded. It is more than this. There are circumstances depending upon the peculiar social institutions of this country which place strong temptation in

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in the way of the police to resort to torture, because secret inquiries, from the very nature of the native social system, are greatly facilitated, and the strongest, and generally, it must be admitted, well-founded suspicions, are directed thereby upon particular individuals, though substantial proof may be wanting.

The systematic division of the people into castes and sections which have no sympathy in common, a system which has even strongly stamped its impress upon the descendants of the Mahometan conquerors of the country, enables the members of the same caste, whose sympathies are on the other hand concentrated upon it, to overlook each other's actions, and to pry into each other's proceedings in a manner too minute to be readily understood by a European. When a crime then has been committed, the first result of an investigation, vigorously prosecuted on the spot, is to circumscribe the area of inquiry by its leading immediately to the conclusion that the offenders belong to a particular caste. Once certain of this fact, it is next to certain that very many members of the caste will be able to point out the individuals, and it is then no longer difficult to obtain secret and confidential communications given on a pledge of silence.

Indeed in some parts of India, as in Goozerat, there is a class of professional informers there called Mookhia, who take advantage of this peculiar framework of society to hunt information regarding robberies for the police with unerring accuracy and for the sake of reward; but the invariable condition of their assistance is silence and secrecy as regards themselves.

A right clue being thus obtained the parties implicated are arrested, and under such circumstances the police of native states resorted without scruple to torture, except (as generally happened) the accused, conscious of guilt, and believing that sufficient proof against him was forthcoming, made a free and full confession.

The temptation to pursue this barbarous system of inquiry in our own provinces lies in the fact, that it is very frequently successful. A native policeman, ambitious of distinction as a detective, and removed for the time from under the eye of his European superior, can see no harm in a practice which enables him to bring unerring proof of his success, and to recover the stolen property by information furnished by the thief.

When we recollect that the practice, however barbarous and detestable, has prescriptive prestige and native opinion in its favour, and how few and far between are the European officers who administer this vast country and govern through a numerous and scattered native agency, the wonder, after what I have endeavoured to explain, is not that in spite of their best vigilance an occasional case of resort to torture should come to light, but that such cases should be so uncommon.

It remains to consider what is the best practical measure, circumstanced as we are, to give an immediate and final check to the practice.

In my own opinion, the remedy is to be found in carrying out with correctness and vigour the reformed system of police proposed by Sir George Clerk, and perfected and adopted by his successor.

If the superintendents of police are selected solely for their activity and ability; if the rule which requires them to be perpetually on the move within their districts is enforced; if they are held responsible for the state of their charge, and rigorously dismissed when found incompetent; finally, if, instead of each being left indiscreetly to his own devices and to follow his own judgment, they are placed one and all under the general control of an active and able Commissioner, I believe that few if any instances of recourse to torture could occur, and that in any rare exception the immediate and severe punishment of all concerned would be sure to follow.

It is only by such agency that the strict enforcement of the Regulations, which prescribe the period during which the accused may be detained before being forwarded to the magistrate, can be effectually secured, and this provision, as our Right honourable President has justly remarked, is one of the most effective safeguards against police mal-administration.

Of the employment of torture by the revenue authorities I have said nothing, for I believe it to be very rare indeed. But the care for the one will answer for the other; and where there is an active superintendent constantly travelling

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through the districts, and open to the hearing of all complaining, few patells will be found to abuse the limited power entrusted to them, and to risk almost certain detection and dismissal.

17 September 1855. (signed) *J. G. Lumsden.*

MINUTE by the Honourable Mr. *Malet.*

No. 8613.

I DO not find on record facts to induce me to believe that a system of torture by the police has existed in this Presidency, the small extent of our territory, the comparatively large proportion of European agency (with reference to Madras), and the character of our predatory classes which supply the greatest number of our criminals, favour my supposition that the system does not exist, and that instances of the crime are not very frequent; still as they do occur, and may at times, as in the late Nassick case, be of terrible atrocity, it is a most urgent duty that means of prevention, if wanting hitherto, should be supplied, and if they exist that they should be energetically employed.

We are, therefore, much indebted to our Right honourable President for bringing the subject under consideration, and for the manner in which he has treated it. I concur in the opinion of the state of the law recorded in the 23rd para. of our President's minute, and the Sudder judges also are of opinion that its provisions are sufficient. The new system of police when completed, and when its operations are directed and supervised by an able superintendent, appears to me to leave theoretically little to wish for; it remains that individual responsibility be invariably and rigorously imposed, and we may thus hope that the crime will become rare, though it is hardly possible that it will ever be entirely eradicated.

21 September 1855. (signed) *A. Malet.*

MINUTE by the Right Honourable the Governor.

No. 8614.

I THINK that our proceedings on the subject of torture may now be sent to the Honourable Court. The Government of India have just sanctioned the appointment of a head of the department of police throughout this Presidency, who is to hold this office in conjunction with that of inspector of prisons. I anticipate the best results from this combined appointment.

The judges of the Sudder, who agree with us in thinking that no alteration of the existing law is required, have issued a circular to all magistrates, reminding them that they are responsible that the district police officers do not keep prisoners in their custody beyond 48 hours without bringing them before a magistrate, and they have lately brought to our notice a case in which an acquitted prisoner was detained in custody for many months under the orders of a magistrate, in the hope either of obtaining further evidence against her, or of eliciting a confession from her. This magistrate has been removed from his appointment, and I trust that this example, and the very serious notice which we have taken of another recent instance of the illegal and protracted detention of untried prisoners, will have the effect of putting a stop to a practice so contrary to justice, and so likely to encourage similar abuse of authority, and a recourse to more violent, though they scarcely can be called more arbitrary, means of eliciting confessions on the part of native subordinate officials.

The Honourable Court may be assured that our best efforts will continue to be directed to the prevention of practices so repugnant to our sense of justice, and so injurious to the character of the Government.

29 September 1855. (signed) *Elphinstone.*

(True extract.)
(signed) H. L. Anderson,
Secretary to Govt.

(Extract.)

Judicial Department, 26th November (No. 12) 1856.

Our Governor in Council at Bombay.

Regarding Torture.
Letter dated 3 October (No. 46), 1855.
Letter dated 17 October (No. 51), 1855.
Letter dated 3 December (No. 61), 1855.
Letter dated 31 December (No. 65), 1855.

1. We highly approve the attention given to the best means of effectually suppressing the practice of torture by the native servants of Government, in the proceedings to which the letters under reply have reference. It is gratifying to learn that the barbarous practice is believed to be rare for enforcing the collection of revenue. We observe also with satisfaction that the law, as it already exists, is considered both by your Government and by the Judges of the Sudder Court to be adequate to the punishment of persons guilty of this flagrant abuse of authority. For the purpose of removing the opportunity for such abuse, the attention of the village and district police has very properly been drawn to the rule of law by which the former are prohibited from detaining prisoners more than 24 hours, and the latter more than 48 hours.

2. While we agree with the reflections recorded in the minutes of Lord Elphinstone and Mr. Lumsden, that it may be a common practice on the part of criminals to accuse the police of ill-usage, and that we must not allow our abhorrence of torture to be used by criminals as a means of escape from the penalty of their crimes, at the same time it must be impressed upon the minds of our native officers, by a vigorous but judicious course of action, and by prompt and adequate punishment in cases of proved delinquency, that we are resolved (to use the proper language of his Lordship's minute) not to be always baffled in our endeavours to restrain their malpractices, and although we may console ourselves with the knowledge that our European servants are to an extent exempt from this reproach, we at the same time feel it difficult to believe that superintendents, like Lieutenant Bell in the papers before us, could not by a more strenuous vigilance and activity prevent the evil. Neither are we content to trust to the tardy check of the progress of education.

3. We had hoped that, after so long a period of European rule, it would not have been necessary to exculpate such offences against humanity by the poor plea that we derived them from our native predecessors. We have neglected a high duty if we have not better taught the natives whom we have subdued. The study from the schoolmaster may slowly settle by degrees better principles of government in the minds of the inhabitants, but in the meanwhile we must look to the sessions judge for peremptory and prompt punishment, and to your government for a vigorous tone and a public expression of your strong wish to uproot a practice which has excited disgust at home, and given us discredit in Europe. The Report of the Commission, appointed to examine into this subject in the Madras Presidency, has induced us to observe upon one of the first instances brought to our notice in Bombay with such severity, as will convince all our servants of the absolute duty of extirpating this evil.

4. Your letter, No. 51, relates principally to a case of torture at Nassick, which led to six police servants being sentenced to imprisonment for four years with hard labour, and two months more in solitary cells. In this case a prisoner had been apprehended on the 10th August 1854, for the murder of a child, whose ornaments were found concealed on his person.

5. The child was between four and five years old, and being missed by its parents for some time, suspicion was excited that it had been murdered for the sake of its ornaments; and as the prisoner, who was a cousin of the child, could nowhere be found, he was suspected of the murder. Search was immediately made by the Foujdar, and about four o'clock of the same day he was apprehended.

6. He denied his guilt at first, and did not confess it until the Foujdar said to the policeman, "Take him to one side, and question him, as he is afraid, and will not confess before me." He was then taken to a shed near, into which six policemen entered with him, while one kept watch outside. The door was shut, they remained inside 10 minutes, and when he came out he confessed the crime and pointed out a well, a mile and a half distant, where the child's body was found. He walked to and from the well, and did not appear to Lieutenant Bell, the superintendent of police (who arrived at the place shortly after the

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torture had been inflicted), or the other spectators, to be out of health. The prisoner did not complain of the torture, alleged to have been inflicted to compel him to confess, till the 12th, when he was removed to the hospital. He died on the 14th.

7. The trial of the police servants was held at Nassick, before Mr. J. W. Woodcock, sessions judge of Ahmednuggur. From the comments upon that proceeding by the judges of the Sudder Court, in their several minutes, as well as by the members of Government, we perceive that the trial was considered as having been conducted in a very unsatisfactory manner, an opinion in which we entirely concur. There is some doubt whether the crime was brought home to the prisoners by legal proof. If guilty, they had, in the judgment of the Sudder Court, committed murder, not culpable homicide, the crime of which the sessions judge convicted them. With regard to the failure in the medical evidence against the prisoners, we concur in the opinion of the medical board, in which you have expressed your concurrence, that it was not attributable to any deficiency on the part of Mr. Pelly, the surgeon, in his knowledge of medical jurisprudence, but only to the defective manner in which the judge conducted his examination.

8. Whether the guilt of the police servants was or was not established by legal proof, there was no reason to question the moral certainty that, for the purpose of extorting a confession from the deceased, they had inflicted upon him an act of atrocious cruelty, which probably was the immediate cause of his death. The sentence passed upon them by the sessions judge (inadequate as it was to their crime), having been sanctioned by the competent judicial authority, we trust that it may have a salutary effect in preventing similar practices. With the same view we think that you acted with perfect propriety in dismissing the Foujdar from his situation. He may probably not have directed the specific act of cruelty perpetrated upon the deceased, but there is every appearance of his having left it to the inferior officers of police to take their own measures for obtaining a confession. We desire that it may be publicly notified that the Foujdar, for his conduct in this transaction, shall not be again employed in any situation under your Government.

— No. 3. —

Charges of Torture against the Surat Police.

(No. 55, of 1855.)

Judicial Department.

To the Honourable the Court of Directors for the Affairs of the Honourable East India Company, London.

Honourable Sirs,

Torture:
Alleged charges of, against the Surat Police.
Jud. Cons. 1854.
20 December, No. 9099–9102.
" " " 9103–7.
Jud. Cons. 1855.
3 March, No. 476–80.
" " 22–25.
" " 214.
" " 467–71.
19 October, No. 8941–50.

The proceedings, which we now do ourselves the honour of forwarding to your Honourable Court, relate to certain allegations against the Surat Police, which were brought to our notice by the judges of the Sudder Foujdaree Adawlut in the four following cases:

1st. The case of Dyal Bugwa, an untried prisoner, who died in the Surat Hospital, on the 26th of July 1854, and who was alleged to have been starved and ill-treated by the police.

2d. The case of Hurpursad Gunpursad, alleged to have been beaten by the police.

3d. The case of Kachia Lachia, stated to have committed suicide while in the hands of the police.

4th. Case No. 23, of the general calendar for Surat.

2. Mr.

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2. Mr. A. Bettington was appointed a Special Commissioner, under Act 37, of 1850, to investigate the charges, and the result of his inquiries are contained in the proceedings accompanying this despatch.

Jud. Cons. 1855, 19 October, No. 8943-44.

3. For the statements of this Government on the subject we would refer your Honourable Court to our resolution of the 28th September last, a copy of which accompanies.

We have, &c.
(signed) *Elphinstone.*
J. G. Lumsden.
A. Malet.

Bombay Castle, 2 November 1855.

Resolution by the Honourable Board.

No. 8943-44.

Mr. Bettington, as a Special Commissioner, under Act 37 of 1850, has instituted an inquiry regarding certain allegations against the Surat police, which have been brought to the notice of Government by the judges of the Sudr Foujdaree Adawlut.

2. Mr. Bettington's inquiries have had reference to four distinct cases:

1st. The case of Dyal Bugwa, an untried prisoner, who died in the Surat Hospital on the 26th of July 1854, and who was alleged to have been starved and ill-treated by the police.

2d. The case of Hurpursad Gunpursad, alleged to have been beaten by the police.

3d. The case of Kuchia Lachia, stated to have committed suicide while in the hands of the police.

4th. Case No. 23, of the general calendar for Surat.

3. The facts involved in the case of Dyal Bugwa were briefly as follows: On the 24th of July the civil surgeon of Surat, Dr. Lawrence, reported to the session judge the "ill-condition and extremely emaciated appearance of two untried prisoners recently admitted into the hospital, and who (in the civil surgeon's opinion) had been reduced to the last stage of debility from ill-treatment and starvation." On the 26th of July one of these prisoners, Dyal Bhugwa, died. At the subsequent inquest it is stated that Captain Hodgson, the superintendent of police, interfered unduly with the kotwal, who was taking the evidence of the other prisoners.

4. The first remark which these statements demand is, that the alleged ill-treatment must be charged against the police, and the alleged starvation against the magisterial department, as the prisoner had not been in custody of the former for some months previously to the decease of Dyal Bhugwa. The Right honourable the Governor in Council will first consider the allegation relative to starvation.

5. The magistrate, Mr. Liddell, states the daily allowance of food which was granted to Dyal Bhugwa (amounting in all to 1 lb. 11 oz.); and Mr. Bettington, who now holds the office of inspector-general of prisons, and whose opinion is of peculiar value, pronounces that the allowance is "most ample." If, therefore, what was allowed was really given, and it is not alleged that it was withheld, the accusation of starvation falls to the ground.

6. But this conclusion is rendered still more clear by the certificate and examination of Dr. Lawrence, from which it would appear that starvation, which is first softened down into "insufficient nourishment," really meant a deprivation of opium, the prisoner being an habitual opium eater. Finally, it would appear that Dyal Bhugwa died of "atrophia," a disease very prevalent among prisoners in Guzerat, accelerated by the deprivation of opium.

7. The laxity and inconsistency of statement, which the latter certificate and examination of Dr. Lawrence exhibit, have been clearly set forth by Mr. Bettington, and demand an expression of the dissatisfaction of Government, which should be communicated through the Medical Board.

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8. The next point presented for the consideration of Government is the conduct of Captain Hodgson, in interfering with the kotwal when taking the deposition of Purbhoo Kooshal. Mr. Bettington has recorded a complete acquittal of Captain Hodgson, and has characterised the session judge's remarks on that officer's conduct as quite "unwarrantable." The Right honourable the Governor in Council is unable to concur in Mr. Bettington's view, while, willing to accept Captain Hodgson's explanation, as interpreted by Mr. Bettington, as exculpatory, or at least palliative, so far as Captain Hodgson's intention was concerned, the Right honourable the Governor in Council cannot consider that the session judge's remarks were wholly without warrant. It is reported to the session judge, by an apparently competent authority, the civil surgeon, that two prisoners in the hospital have been reduced, in his opinion, to the last stage of debility by ill-treatment and starvation. Two days after, one of the prisoners dies. As the civil surgeon had alleged two causes of the reduced state of the prisoners, it was a reasonable inference that both causes had contributed to the death of one of the prisoners. In an inquiry, therefore, on the subject, it was obviously necessary to examine the other prisoner, who had made the same complaint, as to both causes, and especially as to the first, the ill-treatment. The examination of the prisoner was stopped by Captain Hodgson, on the ground, as stated by him, "that it appeared to have nothing to do with the case under investigation." Thus the case stood before the session judge, and he was fully justified in condemning Captain Hodgson's conduct. It is now, however, explained that Captain Hodgson's object was to keep the attention of the members of the inquest to the actual subject then before them, the examination of the body of the deceased by the civil surgeon. The Right honourable the Governor in Council is willing to accept this explanation; but he considers that Captain Hodgson would have acted with a better discretion if he had abstained even from this limited interference; and, as superintendent of police, in a matter which gravely affected the police, had strictly confined himself to watching the proceedings of the inquest. He should know that every word, every question of an officer in his position, is liable to be misinterpreted, and may, unintentionally on his part, interfere with the complete liberty of investigation by a court composed entirely of natives; while, therefore, the Right honourable the Governor in Council is glad to find that Captain Hodgson's conduct was not so reprehensible as might have been anticipated from first appearances, he cannot agree in the propriety of Mr. Bettington's strictures upon the remarks of the session judge.

9. Next, as to the ill-treatment of the two prisoners. The alleged torture is stated to have been committed under the orders of the Subedar Major Mullaree Bokur, and the joint police officer, Myasunker. It is stated that the prisoners were suspended by the feet, and dipped head foremost into a well; and also that they were allowed to drop suddenly from the branch of a tree, suspended by their arms, which were tied behind their backs. Mr. Bettington rejects these statements as unworthy of credit, being unsupported by evidence, improbable on account of the number of people whom it would be necessary to employ, provocative of observation, and certain to be accompanied with such grievous bodily injury as must ensure detection. The civil surgeon has recorded his opinion that dislocation would inevitably follow suspension by the arms from the branch of a tree. Under all the circumstances, then, the Right honourable the Governor in Council has little hesitation in recording his concurrence in Mr. Bettington's opinion, that no grounds exist for the institution of any proceedings against the subedar major and the joint police officer.

10. A difference of opinion would appear to have existed between the sessions judge and the magistrate as to the propriety of suspending the subedar major and the joint police officer from their offices, pending full investigation of the allegations against them. Mr. Bettington considers that the magistrate exercised a sound discretion in not suspending them. It is a question on which a difference of opinion may be reasonably entertained; and the Right honourable the Governor in Council does not intend to convey a censure when he expresses his inclination towards the opposite conclusion. It will be observed that the civil surgeon had made a statement, the gravity of which could hardly be exaggerated; that statement received an apparent confirmation by the death of

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of one of the prisoners. These were circumstances which suggested a most severe investigation; and the Right honourable the Governor in Council is of opinion that it would have inspired a more complete confidence in the public mind, and have conveyed a more clear warning to the police, that the authorities were determined to sift to the bottom every charge of torture, if the magistrate, at the commencement of the inquiry, had suspended from office the accused parties. With this expression of his opinion the Right honourable the Governor in Council passes on to the consideration of the remaining facts.

11. It would have been better if the prisoner Dyal Bhugwa had not been deprived of a small allowance of opium, if a confirmed opium eater, without reference to medical authority. To deprive an opium eater of the drug which he has habitually used, is more cruel than to deprive a cripple of his crutch. But the Right honourable the Governor in Council observes that this Dyal Bhugwa was in hospital on the 23d of May, and treated for colic; he does not, therefore, understand why, on his discharge, the medical officers did not inform the magisterial authorities that the prisoner was an opium eater, and should therefore be allowed a small quantity of opium every day. This neglect on the part of the civil surgeon in a great measure exonerates the magistrate's department; but the Right honourable the Governor in Council considers that in future the magistrate should always refer to a medical authority before discontinuing an allowance of opium to any prisoner who is known to be an opium eater.

12. But the part of this case which calls for the severest notice relates to the length of time during which the prisoners were in custody without being brought to trial. It appears that the deceased Dyal Bhugwa, and three others, were apprehended by the police on the 30th November 1853, and handed over to the mamlutdar of Kurode on the 19th December. Dyal Bhugwa died on the 26th of July 1854 an untried prisoner; the remaining prisoners were brought before the assistant magistrate on the 28th of July, on which day the case against them was dismissed. An explanatory letter from the magistrate, Mr. Liddell, is appended to Mr. Bettington's report, and though that officer has attempted to show reasons why delays and interruptions of investigation occurred, the Right honourable the Governor regrets to be compelled to observe that the explanation is utterly unsatisfactory. Nothing can excuse the neglect of the Government regulations, and the indifference to the interests of justice on the part of all concerned, which are apparent throughout these proceedings. The prisoners appear to have been handed over from one assistant to another; from deputy to assistant, and from assistant to deputy. One assistant goes away sick, another deputy goes away on private affairs; other work requires to be done, as if any other work should be permitted to take precedence of magisterial duty, and the lamentable result is, that an innocent man, certainly a man whose guilt was not susceptible of proof, dies after a detention of eight months in a gaol hospital, and two days after his death the other prisoners are discharged for want of proof. Incidents of this character are most humiliating to those concerned in the administration of justice, and most painful to those interested in the welfare of the country. It must always be a matter of regret to Government to be compelled to censure a magistrate of Mr. Liddell's standing in the service; but the Right honourable the Governor would not be doing his duty if he did not inform him that the inefficiency which he has displayed upon this occasion, and his want of all control over the proceedings of his subordinates, have greatly lowered him in the estimation of Government as a public officer, and have suggested a doubt whether he should be permitted to continue in his present office. The Right honourable the Governor in Council has just removed one magistrate for illegally detaining in custody an acquitted prisoner, and although he draws a distinction between that case and the one now before him, inasmuch as the persons unduly detained in Surat were untried, yet he observes that the difference is in the degree rather than in the nature of the offence. In both cases the powers of the magistrate have been exceeded, and individuals against whom no crime could be substantiated have been arbitrarily and illegally deprived of their liberty.

An extract from these proceedings (containing the whole of this paragraph) will be communicated to the judges of the Sudder Foujdaree Adawlut, who will be requested to state whether their attention was attracted to this case by the returns

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returns of untried prisoners, and, if so, what notice was taken of it by them. The judges will be pleased in future to make a special report to Government of all cases in which untried persons are detained in prison for protracted periods. A copy of this extract will be further communicated to all magistrates, and a circular letter addressed to them, pointing out the determination of Government to remove from his office any magistrate who may be guilty hereafter of this offence.

13. Before quitting this subject, the Governor in Council requests that he may be informed if there is any truth in the allegation made before Mr. Bettington, that the deceased, Dyal Bugwa, and other untried prisoners, were put in the stocks, and that Prubhoo Kooshal received some blows from a police peon named Purtal Sing; he is surprised that Mr. Bettington should have reported this allegation without stating whether he had taken any steps to ascertain whether it was true or false.

Case of Hurpursad Gunpursad.

14. The second case on which Mr. Bettington reports is that of Hurpursad Gunpursad. This case is brought to the notice of Government by the judges of the Sudder, who transmitted with their letter a copy of a very able minute recorded by the Judicial Commissioner, Mr. W. E. Frere. That gentleman, after pointing out various grounds of suspicion against the police, stated that in his opinion further inquiry would be useless, but suggested that the necessity of immediate inquiry, when accusations are preferred against the police, should be carefully impressed upon the magistrates. The Government fully concurred in Mr. Frere's remarks, and a copy of his minute was circulated to all the magistrates. But the Government also thought that the importance of the case demanded further investigation, and therefore determined that Mr. Bettington should be directed to institute a searching inquiry.

15. The Right honourable the Governor in Council is gratified to find that Mr. Bettington's inquiries have placed the conduct of the police in a more favourable light, or at least that they lead to the conclusion that the statements of Hurpursad were grossly exaggerated. There would appear to have been three allegations: 1st. That Hurpursad was beaten at Oolpar; 2d. That he was beaten on the road between Oolpar and Surat; 3d. That he was ill-treated at the Moosafferkhana, at Surat. The first and third of these allegations Mr. Bettington rejects as wholly improbable; he considers all external circumstances to be against the truth of Hurpursad's story; for instance, the ill-treatment at Oolpar is stated to have occurred in a building, in a part of which the magistrate was himself at the very time residing with his establishment, and he shows generally, that, while circumstances are against the statements of Hurpursad, there is no evidence in their favour. With reference to the second allegation, Mr. Bettington thinks it very probable that the prisoner was beaten on the road, but states that there is no proof to the fact. The Right honourable the Governor in Council presumes that Mr. Bettington means there is only the statement of Hurpursad on the one side, and the denial of the police on the other, and that unfortunately there is no violent improbability, apart from actual circumstances, in any allegation of ill-treatment preferred against the police. The Right honourable the Governor in Council, however, considers the result of this investigation to be on the whole satisfactory, and he directs that the special warning suggested by Mr. Bettington be conveyed to the kotwal, and that the magistrate's attention should be once more drawn to the laxity of system to which the negligence of the kotwal is partly ascribed by Mr. Bettington, and to the just and forcible remarks of Mr. Frere. Government consider with that gentleman and with Mr. Bettington that it is absolutely necessary, when charges are brought against the police, that they should be promptly inquired into by the magistrate himself. The Governor in Council has recently directed the attention of all magistrates to the illegality of the police detaining prisoners before committal beyond the period allowed by the regulations, and is resolved to enforce his orders upon this subject, and by this and every other means in his power to prevent the ill-treatment of prisoners by the police.

Case of Kutchia Lachia.

16. The third case which Mr. Bettington was directed to investigate was that of Kutchia Bheel, who was drowned while in the custody of the police. The question is not so much, as stated by Mr. Bettington, whether the Bheel committed

committed suicide; or whether he was murdered by the police by being thrown into a well; as whether he committed suicide from fear of ill-usage from the police, or from other parties. Mr. Bettington is clearly of opinion that Kutchia dreaded the vengeance of his comrades and other bheels. He sent a confidential agent to the village in which the bheel was drowned to make private inquiries, and this agent ascertained that the general opinion in the village was, that Kutchia had committed suicide from dread of his comrades. There being on direct evidence against the police, but only such suspicions as arise from constructive arguments, the Right honourable the Governor in Council has no difficulty in acquitting the police of all participation in the death of the bheel; but he considers there were sufficient circumstances of suspicion to justify the session judge in drawing the attention of the judges of the Sudder Foujdaree Adawlut to the case.

Case No. 23, of the General Calendar of Surat.

17. Lastly, Mr. Bettington has submitted some remarks on case No. 23 of the general calendar of Surat, in which the session judge set aside some confessions on the strong suspicion that they had been extorted, and to which the judges of the Sudder had drawn the attention of Government, in connexion with the case of Dyal Bhugwa. The Right honourable the Governor in Council is inclined to agree with Mr. Bettington, that the weight of evidence is in favour of the police; but he cannot concur in all the arguments by which he has supported that opinion, still less can he agree in the implied censure of the proceedings of the session judge. That officer, a most able judge, and now occupying a seat in the Sudder Court, set aside the confessions of certain prisoners on the suspicion that they had been extorted by the subedar major and the joint police officer, who had been accused in this as in other cases of ill-treating the prisoners. There was some direct evidence on the point not sufficient for the condemnation of the police, but quite sufficient to induce a doubt in the mind of any judge, as to whether he should accept the confessions as exhibitory of the actual facts. It would be of very dubious policy if Government were to assent to a censure of a judicial officer upon whom the responsibility of the trial rests, because he had determined to allow no weight to certain confessions, on the opinion of one upon whom the responsibility of the trial did not rest. Accusations were frequent against two individuals of ill-using prisoners. A judge imbibes, he knows not how, a feeling of insecurity as to the confessions of prisoners, with the reception of which these individuals have been at all concerned. Accordingly on the trial he puts out of sight the confessions, and looks only to the independent evidence. This course evokes a protest from Mr. Bettington; but the Right honourable the Governor in Council is of opinion, that the proceedings of the judge were perfectly correct, and he is certain that they should be protected from criticism, or ought not to challenge censure. A judge, if fit for the bench, must be allowed to exercise his discretion as to what evidence is to be trusted, and what distrusted, especially when the doubt is in favour of the prisoners. Accordingly, the Right honourable the Governor in Council entirely absolves Mr. Harrison from all censure as to the conduct of these trials, and considers that he has rendered a service to Government in prominently drawing the attention of the judges of the Sudder to the many circumstances of suspicion which attended the operations of the police of Surat, but the least part of that service is, that it has enabled Government, through Mr. Bettington's investigation, to entertain a more favourable opinion, than it otherwise could have done, of the character of that police.

(signed) *Elphinstone.*
J. G. Lumsden.
A. Malet.

28 September 1855.

Judicial Department, 5 March (No. 4) 1856.

Our Governor in Council at Bombay.

Alleged ill-treatment of prisoners by the officers of police at Surat.

1. In your letter in this department, dated 2d November last, No. 55, you have brought under our consideration your proceedings relative to certain cases of alleged cruelty and gross misconduct towards prisoners by the police officers at Surat. The cases were laid before you by the Sudder Foujdarry Adawlut,

Bombay.

Adawlut, at the instance of the sessions judge of the zillah, who was of opinion that they called for a thorough investigation.

2. You accordingly appointed Mr. Bettington, inspector of prisons, a Special Commissioner, to investigate the charges against the police. This duty he appears to have performed with great zeal and ability, and it is most satisfactory to learn that he considers the charges to be unsupported by proof. In exonerating the police officers from the accusations brought against them, Mr. Bettington has with great propriety animadverted on the culpable delay on the part of the magistrate in disposing of charges against prisoners (in one of the cases in question extending to many months), which is not only in itself an act of hardship and injustice towards the accused, but also affords opportunity for ill-treatment. We approve of the censure on this score which you passed on Mr. Liddell, the magistrate of Surat. The police are prohibited by law from detaining a prisoner above 48 hours. It may not be practicable to fix a precise time within which the magistrate shall dispose of each case, by trying the prisoner, or committing him for trial before another tribunal; but all unnecessary detention ought to be scrupulously avoided, and delay to the extent pointed out by Mr. Bettington is wholly inexcusable. We trust that effectual measures have been taken to guard against any such abuse in future. With that view it may be of advantage to ascertain the rules in force for the purpose at the other Presidencies.

3. In considering the letter now under reply, our attention has been drawn to the practice which prevails of district police officers receiving confessions from prisoners. We are aware that this is in conformity with section 43, Regulation XII. of 1827; but we have reason to believe that it is liable to great abuse. Although the law contemplates such confessions being voluntarily made, we fear that many have been extorted by compulsion on the part of the police officers.

4. In the minutes of the members of your Government, during the course of the proceedings under review, Mr. Warden expressed it as his opinion that "many confessions are extorted." Mr. Lumsden, without joining fully in that view, says "that violence is occasionally resorted to by the police to induce prisoners to confess, there is unfortunately too much reason for believing;" and Mr. Bettington, who conducted the inquiry in the present case, while acquitting the police in this instance, says that "it is neither impossible nor improbable that a policeman might maltreat a prisoner:" evidently alluding to coercion for the purpose of extorting confessions.

5. It appears to us that the admissions of guilt made by prisoners to the police officers are usually of little value in securing their ultimate conviction, followed, as they generally are, by a repudiation of the confession before the magistrate or judge who tries the case; while, on the other hand, they afford an opportunity for the exercise of cruelty on the part of the police officers in order to extort them, which it is most desirable to remove.

6. Moreover, by inducing the police to rely upon that means of securing the conviction of offenders, rather than on the more troublesome and difficult course of procuring other evidence, that body is rendered less efficient in the detection of crime, and therefore less useful for its prevention.

7. In the Report recently submitted to Her Majesty by the Indian Law Commissioners, they have proposed (from a conviction of the abuse to which the system has led), that "it shall not be competent to a darogha, or other police officer, to examine a person accused of a criminal offence, or to reduce to writing any admission or confession of guilt which he may propose to make." This provision is proposed to form part of the new code of criminal procedure; but we desire you to consider whether, in anticipation of its enactment, it would not be advisable to issue instructions to the police to abstain henceforward from receiving such confessions; for we fully concur with Mr. Lumsden that "it should be the business of the police not to rely on obtaining such confessions, but rather on an improved system of obtaining evidence, and thus diminishing the chance of being criminal with impunity."

We are, &c.

(signed) *E. Macnaghten.*
W. H. Sykes.
&c. &c.

London, 5 March 1856.

Judicial Department, 5 March (No. 11) 1856.

Our Governor-General of India in Council.

Alleged ill-treatment of prisoners by the officers of police at Surat.

We request that you will take into your consideration the sentiments expressed in our despatch of this date to the Bombay Government, with regard to the propriety of prohibiting native police officers from receiving the confessions of prisoners.

We are, &c.
(signed) *E. Macnaghten.*
W. H. Sykes.
&c. &c.

London, 5 March 1856.

Political Department.

Charges of Embezzlement, Cruelty, and Extortion, against the Dewan of Travancore.

Extract Political Letter from the Government of Fort St. George to the Court of Directors; dated 27th February (No. 2) 1855.

29. Having received, from parties residing in the Travancore territory, several petitions, preferring charges of embezzlement, cruelty, and extortion against the dewan and some of the district police officers, we forwarded them to the Resident for investigation, and called his attention to the frequency of complaints of the nature referred to; and desired that the specific allegations, such as those contained in the petition of Emanuel Class, as to the irregular employment of the jemadar, Neelacanden, his character, and the alleged fact of his having been declared guilty of torture, might be specially reported upon. We also requested him to report whether the statements made of the several employments of the dewan's brother and relatives were true or not.

30. In his letters of 22nd and 23rd September last, the Resident laid before us the dewan's explanation, together with the result of his own inquiry into some of the allegations the petitions contained, and his observations generally on the subject of complaint; and we have now the honour of submitting copies of these papers for the information of your Honourable Court.

Extract Political Letter from the Court of Directors to the Government of Fort St. George; dated 30th April (No. 3) 1856.

23. You have received various petitions charging the administration of Travancore with some of the worst vices which can be imputed to a government: habitual use of torture to procure confessions of crime; extortion of money from the people for the profit of individuals; habitual bribery; perversion of the course of justice; falsification of accounts, and many minor irregularities. The Resident states that most of these petitions are disavowed by the persons in whose names they are drawn up. But the framers, whoever they may be, are in possession of official documents the authenticity of which is not denied, and which contain matter of serious crimination against the Travancore authorities. In some of the cases adverted to, those documents prove that the Resident took proper and perhaps sufficient notice of what was objectionable. But in the horrible case of torture in which the police jemadar, Neelacanden, is the person inculpated, the grounds laid by the Resident in his letter to the dewan, of the 17th January 1854, justified and required far more than the

Political Department.

expression of a hope that the dewan would be more careful in future as to the instructions given to the jemadar, coupled with a suggestion that it would be well if he could be employed in some other capacity; while at the same time the temporary suspension of the jemadar was removed. We are decidedly of opinion that the jemadar ought to have been dismissed; and that if no means existed of satisfactorily investigating his conduct, with a view to his punishment, a person labouring under such grave imputations ought not to have been employed by the Travancore authorities in any other capacity. There are other cases which the Resident, in his explanation, does not touch upon, particularly a formal decree of the principal judicial court of Travancore, pronouncing that the dewan himself had been personally guilty of inflicting torture to extort depositions; an allegation which, if true, demanded that the dewan should be immediately removed from office; if false, the three judges and the shastry of the appeal court, whose names are attached to the decree, are very unfit for their high judicial position. Charges of a similar nature, but of a more serious character, were subsequently brought against the dewan personally, in petitions from some inhabitants of Eddapilly, who were defendants in a case of alleged murder. From the Resident's report, it appears that these petitions contain great misrepresentations; but his statements, as to the inquiries he made into the allegations of torture, are far too general. We desire an amended report upon this subject. This case induced you very properly to order a representation to be made to the raja, on the gross impropriety of allowing a trial for murder to extend over three years, without the prospect of an early decision even after that lapse of time.

Revenue Department.

Revenue Department.

INDIA—AGRA DIVISION.

—No. 1.—

Narain Doss, late Tuhseeldar, of Thutteea Tirooa, strongly suspected of Corruption and Torture.

Extract from Revenue Narrative, No. 3, dated the 18th December 1854.

Para. 247. The Board were requested to report on a petition presented by Narain Doss, late tuhseeldar of Thutteea Tirooa, complaining of his having been dismissed from his situation on insufficient grounds. They stated in reply that, firstly, the petitioner had been found guilty of accepting a bribe to defeat the ends of justice, and of having subjected certain individuals to gross maltreatment, with a view to elicit evidence or confession, in a case of murder, in the village of Deblie, in pergunnah Muhumdabad. That, secondly, he had tampered with evidence recorded on a previous investigation by the Thannahdar, subordinate to him, in a case of wounding in Mouzah Allygurh, purgunnah Turrutpore; that, thirdly, in the case of the property of one Dhuleep Sing, deceased, of Thutteea, in pergunnah Thutteea Tirooa, he had been suspected of partiality, and that on those grounds they had rejected his appeal. The Lieutenant-governor concurred with the Board in thinking, that, under all the circumstances shown in the report, the petitioner, Narain Doss, was wholly unworthy of being retained in the office of tuhseeldar.

Revenue Department.

MADRAS.

— No. 2. —

Petition from Gopalakistna Jyengar, of Tanjore, complaining of Ill-treatment and Dismissal from Office.

Extract from the Proceedings of the Honourable the Lieutenant-governor of the North-Western Provinces in the Revenue Department; dated the 5th April 1854.

(No. 149 of 1854.)

No. 97.

Letter from *G. J. Christian*, Esq., Secretary to the Sudder Board of Revenue, North-Western Provinces, Agra, to *W. Muir*, Esq., Secretary to the Government of the North-Western Provinces; dated Agra, the 10th March 1854.

Sir,

Revenue.

Present: D. B. Morrison, Esq., Senior Member.

I am directed by the Sudder Board of Revenue to acknowledge the receipt of the orders of Government, No. 969, dated 23rd February 1854, calling for a report on the petition of Narain Doss, late tehseeldar of pergunnah Thateea Tirooa in zillah Furruckabad, and in reply to submit for the perusal of his Honor the Lieutenant-governor, the record of this office, together with the original correspondence received from the Commissioner, Agra division.

2. This correspondence relates to three different cases, the last of which resulted in the dismissal of the petitioner. These cases are stated below,* and all three have reference to the conduct of Narain Doss, in his capacity of officer of police in the several pergunnahs under his charge, as tehseeldar, at different times.

3. In the first of these instances, Narain Doss was considered by the officiating magistrate, Mr. H. G. Astell, guilty of having accepted a bribe to defeat the ends of justice, and in consequence to have either contrived or connived at two false charges, and subjected certain individuals to gross maltreatment with a view to elicit evidence or confession.

4. Mr. Astell considered the accusations proved, and recommended the dismissal of Narain Doss. The Commissioner, Mr. Robinson, took a different view of the evidence, and directed merely his removal from Muhamadabad to another pergunnah.

5. But the evidence adduced before the officiating magistrate, considering the extreme difficulty in this country of bringing such charges home to a native official, is very convincing; Narain himself, in the first instance, investigated the facts of the murder on the spot; and on Narain and six others, the parties whom he reported as guilty, being released by the magistrate, Mr. W. R. Timmins, he, after a second investigation, reported the plaintiffs, Gungaram and others, as having been guilty of preferring a false accusation of murder.

6. During that second inquiry, torture was undoubtedly used; one of the defendants, Gungaram, was found to be lame from the effects of it, though unfortunately this matter was not fully investigated by Mr. Timmins, who, however, records the facts in his memorandum, dated 23rd February 1849.

7. In addition to this, there is direct evidence and corroborating circumstances to show that a bribe was accepted by the tehseeldar. There is grave suspicion, if not convincing proof, on this point.

8. The Board cannot agree in the remarks contained in the Commissioner's, Mr. Robinson's letter, No. 81, dated 8th March 1849, para. 6. Mr. Robinson appears

* 1st. Conduct of Narain Doss, in the matter of the murder of Chaca, in the village of Deblie, in Pergunnah Mahumdabad.

2nd. Conduct of the same in the matter of the wounding of Secabova, in Mouzah Allygurh, Pergunnah Imrutpoor.

3rd. Conduct of the same respecting the property of Dulleep Sing, deceased, of Thaulteea, in Pergunnah Thaulteea Tirooa.

Revenue Department.

appears to have considered Narain Doss guilty of having used or sanctioned torture, but finds an excuse for his proceedings, because they are unhappily customary in this country, and because the magistrate had expressed a strong opinion on the merits of the first charge against Narain and six others.

9. The Board not only regard the general facts elicited as unfavourable to the integrity of Narain Doss, but consider the use of torture, under any circumstances, with his sanction, as demanding his dismissal from office.

10. Narain Doss was, however, restored to his duties, but removed to pergunnah Imrutpore, where, before the year 1849 had elapsed, the second case was reported by a different magistrate, Mr. W. C. S. Cunninghame.

11. In that instance, Narain Doss was found guilty of having tampered with evidence, written and recorded on a previous investigation by the Thannahdar subordinate to him. From Mr. Cunninghame's report, No. 32, dated 20th October 1849, it will be seen that the alteration of the record is conclusively proved, and indeed admitted by Narain Doss. There is strong evidence to show also that, besides the admitted alteration, other statements of the witnesses were influenced or extorted by Narain Doss, in order to criminate a party not named by them before.

12. The Commissioner, Mr. Robinson, regarded the act of the petitioner as a slight informality, as respects the alteration of the record. But Narain Doss had enough experience to know that the act was illegal and unjustifiable.

13. Subsequently Narain Doss was removed to pergunnah Thutteea Tirooa, where, in 1852, in the third case above-mentioned, his partiality at first towards one party, and subsequently towards his opponent, was noticed and censured by the sessions judge.

14. Mr. Cunninghame, in consequence of the remarks of the sessions judge, the recorded opinions of his predecessor and himself, in the two former cases, and the notoriety of the corruption of Narain Doss, in pergunnah Thutteea Tirooa, recommended his dismissal, which was confirmed by the Commissioner, Mr. W. H. Tyler, in his letter, No. 353, dated 2d November 1852.

15. The Board on a review of the cases above described, and with reference to the sentiments recorded by two district officers in succession, rejected the appeal.

16. I am desired to add, that Narain Doss was entered on the Board's list of candidates for deputy collectorships in 1848, before either case had come before the Commissioner. The Board had no knowledge of Narain Doss but what was contained in the nomination roll submitted in 1848, and as both the Commissioner and officiating collector recommended the insertion of his name, and his past services seemed to warrant it, and there was nothing on record then against him, the recommendation was complied with. The file relating to this latter point is also submitted.

I have, &c.

(signed) *G. J. Christian*, Secretary.

Sudder Board of Revenue, N. W. P., Agra,
10th March 1854.

EXTRACT Revenue Letter to India; dated 7th January (No. 1) 1857.

Narrative dated 18 December (No. 3), 1854, Furruckabad District.

(247.) Petition of Narain Doss, late Tuhsildar, of Thutteea Tirooa, complaining of dismissal, rejected. He had been found guilty of tampering with witnesses and their written evidence, and was strongly suspected of corruption and torture.

85. WE must express our extreme surprise and regret that any officer in our service should have found an excuse for the infliction or sanction of torture by native officials, as appears to have been done by Mr. Robinson, when Revenue Commissioner, in the case of this tehsildar, on the grounds that such a practice was "unhappily customary" in this country; and we entirely agree with the Board of Revenue in considering "the use of torture, under any circumstances, with his (*i. e.* a tehsildar's) sanction, as demanding his dismissal from office."

86. We

Revenue Department.

86. We also consider that Mr. W. R. Timmins, at that time (1849) magistrate of Furruckabad, deserved great censure for having failed fully to investigate the facts connected with the undoubted use of torture in one instance in which Narain Doss was considered to have been decidedly implicated.

87. Both the gentlemen referred to* have retired from our service, or we should have directed you to convey to them this expression of our opinion as to their proceedings in this matter. We desire, however, that you will make it clearly understood by every member of our service that any failure, direct or indirect, in reporting cases, however slight, of the infliction of torture will be visited with our severest displeasure.

EXTRACT Revenue General Letter from Madras; dated 20th July 1855, No. 34.

Petition from one Gopalakistna Jyengar, of Tanjore. Cons. 6 Feb. 1855, Nos. 7 and 8.

28. WE received a petition from Gopalakistna Jyengar, late moonsiff and putta monigar of the Ahtoor village in the Tanjore district, complaining of his dismissal from office and the unjust distraint of his property, and representing that he had been tortured with the kittee and otherwise ill-treated. We forwarded the petition to the magistrate of Tanjore, and from the report submitted by that officer, who had instituted a personal inquiry into the case, it appeared that the allegations of ill-treatment preferred in the petition were wholly unfounded, and that the other matters complained of had already been investigated and settled by the district authorities. We therefore resolved to reject the petition as undeserving further notice.

EXTRACT Revenue Letter to Fort St. George; dated 6th August (No. 10) 1856.

Letter from, dated 20 July (No. 34), 1855.

(28.) Petition from one Gopalakistna Jyengar, of Tanjore, complaining of ill-treatment and dismissal from office.

32. AFTER the full inquiry which has been made into this case, we agree with you in considering the complaints of the petitioner as altogether unfounded. As we are desirous that the infliction of torture, of any kind and for any purpose, should be considered as a crime of heinous character, and punished as such, accusations of this crime against individuals, if clearly proved to be false and malicious, should be visited with some penalty.

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* Mr. Robinson retired 1st January 1852, and is since dead. Mr. Timmins retired 13th November 1850, without an annuity.

(True copies.)

East India House,
9 June 1857.

J. S. Mill,
Examiner of India Correspondence.

EAST INDIA (TORTURE).

COPY of all LETTERS, or EXTRACTS from LETTERS, relating to Cases of alleged TORTURE in *India*, which have been received by the Court of Directors of the East India Company since the 12th day of September 1855; together with a Copy of INSTRUCTIONS issued by the Court of Directors of the East India Company on the same Subject.

(*Mr. Seymour.*)

Ordered, by The House of Commons, *to be Printed,*
22 *June* 1857.

[*Price* 1 *s.* 5 *d.*]

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